

MAIDSTONE BOROUGH COUNCIL

CABINET

16 MAY 2012

REPORT OF DIRECTOR OF CHANGE, PLANNING AND THE ENVIRONMENT

Report prepared by Sue Whiteside

1. LOCAL DEVELOPMENT SCHEME 2012-2015

1.1 Issue for Decision

1.1.1 To consider the revision of Maidstone's Local Development Scheme 2012-2015 (attached as Appendix A).

1.2 Recommendation of Director of Change, Planning and the Environment

1.2.1 That Cabinet approves the inclusion of strategic development allocations for housing and employment in the Core Strategy within the strategic development locations identified on the key diagram of the Core Strategy Public Participation Consultation 2011 (attached as Appendix B).

1.2.2 That Cabinet approves the amalgamation of the Central Maidstone AAP and the Development Delivery DPD, to be called the Development Delivery Local Plan.

1.2.3 That Cabinet adopts the Local Development Scheme 2012-2015 (attached at Appendix A) and agrees that the Scheme comes into effect from the date of adoption.

1.3 Reasons for Recommendation

The Local Development Scheme

1.3.1 The Council is required to produce a Local Development Scheme (LDS), which sets out the range of local plans it is proposing to prepare over a minimum three year period. There is no requirement to include a programme for the production of Supplementary Planning Documents (SPD) but, historically, the Council has identified the key SPDs needed to deliver the Core Strategy.

- 1.3.2 There is no longer a duty to submit an LDS to the Secretary of State for approval, but local authorities are charged with keeping their LDS up-to-date and to review its progress through annual monitoring reports.
- 1.3.3 The Council's current scheme was adopted in 2011 and the target date for public participation consultation on the Core Strategy was successfully met in autumn 2011. Since then a number of events have resulted in delays to the Core Strategy timetable and led to the need to review the scheme. The delays to the programme predominantly relate to the publication of the national planning policy framework, the requirement to undertake more detailed transport modelling and further work that has been commissioned in response to the representations that were received.
- 1.3.4 However, this slippage has also presented the Council with an opportunity to go forward with a more robust Core Strategy that will be produced under new plan making regulations¹. Furthermore, the publication of the National Planning Policy Framework (NPPF) in March 2012 enables the Council to test the conformity of its Core Strategy with national planning policies.

Strategic Sites

- 1.3.5 A report summarising the Core Strategy public participation consultation representations, together with officers' recommended responses, will be presented to a subsequent meeting of Cabinet. Meanwhile, one of the key issues raised by respondents from the development industry calls for the allocation of strategic development sites in the Core Strategy.
- 1.3.6 The NPPF states that local plans should indicate broad locations for strategic development on a key diagram and land use designations on the policies map. The draft Core Strategy identifies strategic development locations on its key diagram but specific site allocations are currently planned for subsequent local plans (known as development plan documents and area action plans under the Act²).
- 1.3.7 The NPPF makes clear that there is a presumption in favour of sustainable development where development plan policies are out-of-date. The weight given to policies in adopted plans when determining planning applications depends on their degree of conformity with the NPPF and their date of adoption, but the weight that can be afforded to emerging local plan policies depends on their stage of preparation. The more advanced the preparation of the local plan, the greater the

¹ SI 2012 No. 767 Town and Country Planning (Local Planning) (England) Regulations 2012

² The Planning and Compulsory Purchase Act 2004, as amended by the Planning Act 2008

weight given. The transitional period for local authorities to update their plans is one year to March 2013.

- 1.3.8 Consideration has been given to the benefits and disadvantages of allocating strategic sites in the Core Strategy, and the impact on the Core Strategy programme.

Benefits

- It is good planning practice, rather than continuing to rely on the development management process and its inherent incremental nature.
- It gives certainty to all in that how much development and where is known. Strategic locations are vague and provide confusion.
- If a number of housing sites can be allocated and eventually adopted in the Core Strategy, this would improve the control that the authority has over the release of these sites.
- As the emerging Core Strategy gets nearer to formal adoption, the strategic sites can be given more weight in the decision making process.
- The process would give the Council an increased ability to dictate the order in which sites might come forward.
- The sites would underpin and give weight to the Council's 5-year housing land supply.
- The process would bring forward the most sustainable sites.
- The sites would have local criteria attached to them enabling the Council to shape development.
- It reduces the risk of "planning by appeal".

Disadvantage

- Introducing strategic sites in the Core Strategy will delay its adoption and the length of time in which a policy vacuum prevails.

- 1.3.9 There are clear advantages in allocating strategic sites in the Core Strategy, not least giving control to the Council and clarity to the public and developers. The prime disadvantage is the impact on the Core Strategy programme, which will delay Publication consultation by a further 6 months (December 2012 instead of June 2012) because of the need to undertake an additional consultation stage on strategic site allocations.

- 1.3.10 On balance, it is considered that the advantages of this approach outweigh the disadvantages. The revised timetable will lead to the submission of the Core Strategy to the Secretary of State in March 2013, which is the end of the transitional period for local plans, at which point considerable weight will be afforded to the local plan as a material consideration in the determination of planning applications.

There are similar benefits of control and clarity for the allocation of a strategic employment site in the Core Strategy.

1.3.11 A call for sites was issued on 11 May 2012, inviting landowners, developers and their agents to submit available sites that lie within the two strategic housing development locations and one of the strategic employment locations illustrated on the key diagram attached at Appendix B:

- North west of the urban area (in the vicinity of Allington for approximately 975 dwellings)
- South east of the urban area (in the vicinity of Park Wood and Otham for approximately 1,000 dwellings)
- Junction 8 of the M20 motorway (for approximately 11 ha net).

The strategic development location at junction 7 of the M20 motorway relates to a specific use in association with the approved clinic. Confining the call for sites to the identified strategic development locations is consistent with legal advice received.

1.3.12 All sites within the strategic development locations will be appraised and will be subject to SA/SEA. Consultation on the preferred strategic allocations will be undertaken in August/September before the next round of consultation on the entire Core Strategy in December. The balance of non-strategic housing and employment allocations will be made in a subsequent local plan. The timetable for the Core Strategy is set out below, and is dependent on Member's agreement to arrange special Cabinet meetings to keep the programme on track.

Stage	Date
Call for sites	11 May to 15 June 2012
Cabinet approval of strategic site allocations	25 July 2012
"Preparation" consultation on strategic site allocations (Regulation 18)	17 August to 1 October 2012
Cabinet approval of Core Strategy	21 November 2012
"Publication" consultation on Core Strategy (Regulation 19)	14 December 2012 to 1 February 2013
Cabinet and Council approval of "Submission" of Core Strategy (Regulation 22)	March 2013
Independent Examination (estimate) (Regulation 24)	July 2013
Adoption (estimate) (Regulation 26)	December 2013

Development Delivery Local Plan

- 1.3.13 Updating the LDS to reflect changes to the Core Strategy and its programme offers the Council an opportunity to review the appropriateness of its scheme as a whole, particularly in the context of the NPPF and new plan making regulations.
- 1.3.14 The current scheme includes two further documents that will follow the adoption of the Core Strategy: Development Delivery DPD and Central Maidstone AAP. The NPPF gives a clear steer for local authorities to move towards a single local plan for their area. Merging these two documents into a single plan, called the Development Delivery Local Plan, will not only meet the thrust of the NPPF but will also have a positive impact on the Council's staffing and budgetary resources. Regeneration of the town centre, which is a priority for the Council, can be given prominence in this local plan by including policies and land use proposals for the town centre at the beginning of the document. Work on the Development Delivery Local Plan will commence next spring, although public consultation cannot be undertaken until the Core Strategy is adopted.
- 1.3.15 There are no proposals to amend the list of key Supplementary Planning Documents (SPD) identified in the current LDS, which are still required to offer detail on Core Strategy policies. These include the Parking Standards SPD, the Landscape Character Guidelines SPD and the Affordable Housing SPD. The SPDs will be prepared following submission of the Core Strategy, so their adoption dates will very shortly follow the adoption of the Core Strategy.

1.4 Alternative Action and why not Recommended

- 1.4.1 The Council could continue with the current LDS programme, but this is inadvisable given the advice contained in the NPPF and the stage of preparation of the Core Strategy. This approach is likely to result in the early submission of planning applications for large development sites with a high risk of appeals, at a time when planning resources should be focused on plan making.
- 1.4.2 The revised LDS programme gives the Council better management of the development and release of strategic sites, and also provides clarity and transparency of the Council's objectives to the public.

1.5 Impact on Corporate Objectives

- 1.5.1 The documents set out in the revised 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, the Housing Strategy and the Regeneration Statement.

1.6 Risk Management

- 1.6.1 The adoption of the local plans set out in the revised LDS will reduce the risk of inappropriate development and will provide a clear direction to landowners, developers, Members, officers and the public.
- 1.6.2 The risks to the scheme are identified in the LDS (attached as Appendix A). Additionally, the Secretary of State could reject the submitted Core Strategy and find the document unsound during Independent Examination. This risk is mitigated by the inclusion of strategic site allocations in the Core Strategy and the retention of legal services to guide the Core Strategy through its preparation stages.

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	X
6. Community Safety	
7. Human Rights Act	
8. Procurement	X
9. Asset Management	

1.7.2 **Financial:** A dedicated budget of £770,000 over 4 years from 2012/13 to deliver the Local Planning Policy Framework (formerly known as the LDF) has been identified through the Council's medium term financial strategy. By extending the Core Strategy programme to include strategic land allocations and merging two documents into the Development Delivery Local Plan, savings of approximately £80,000 will be made thus reducing the budgetary requirement to £690,000.

1.7.3 **Staffing:** The appointment of the Head of Planning during a recent staffing restructure offers a greater flexibility and movement of staff resources where required. The proposed amendments to the LDS will not impact greatly on staff resources because the same amount of

work will be required, but for two Independent Examinations rather than three.

1.7.4 **Legal:** Legal services will be retained to offer advice on document content and processes to ensure the Core Strategy is found sound at Independent Examination. These services can be managed within the existing budget for local plan production.

1.7.5 **Environmental/Sustainable Development:** An SA/SEA will be required for strategic allocations and local plan policies. This requirement can be managed within the existing budget for local plan production.

1.7.6 **Procurement:** The employment of consultants on short term contracts to undertake specialist work will be necessary. The consultants will be appointed in accordance with the Council's procurement procedures and the costs can be managed within the existing budget for local plan production.

1.8 Relevant Documents

None

1.8.1 Appendices

Appendix A: Local Development Scheme 2012-2015

Appendix B: Core Strategy Public Participation Consultation 2011 Key Diagram

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?

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

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Wards/Parishes affected: all wards and parishes

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