

MAIDSTONE BOROUGH COUNCIL

CABINET

25 JULY 2012

REPORT OF DIRECTOR OF CHANGE, PLANNING AND THE ENVIRONMENT

Report prepared by Rob Jarman and Sue Whiteside

1. CORE STRATEGY STRATEGIC SITE ALLOCATIONS

1.1 Issue for Decision

1.1.1 To consider the draft Core Strategy strategic site allocations for housing and employment, together with the policy for the presumption in favour of sustainable development and the distribution of housing targets for rural service centres, and to approve the document attached at Appendix A to this report for public consultation in accordance with regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

1.1.2 On 16 May 2012 Cabinet approved the inclusion of strategic site allocations for housing and employment in the Core Strategy, to be allocated within the strategic development locations identified on the key diagram of the draft Core Strategy 2011. This report assesses alternative sites and makes recommendations on site selection.

1.1.3 Following the publication of the National Planning Policy Framework (NPPF) in March 2012, the Planning Inspectorate published a model policy for local plans, which is considered to be an appropriate way of meeting the expectations of the NPPF's presumption in favour of sustainable development. While this report focuses on strategic site allocations, it also offers an opportunity to consult the public on the model policy.

1.2 Recommendation of Director of Change, Planning and the Environment

1.2.1 That Cabinet approve the site allocation policies set out in the Core Strategy Strategic Site Allocations: Public Consultation 2012 document (attached at Appendix A) for public consultation;

- 1.2.2 That Cabinet approve policy NPPF1: Presumption in favour of sustainable development set out in the Core Strategy Strategic Site Allocations: Public Consultation 2012 document (attached at Appendix A) for public consultation;
- 1.2.3 That Cabinet approve the inclusion of dwelling targets for rural service centres in the Core Strategy, and that the targets set out in the Core Strategy Strategic Site Allocations: Public Consultation 2012 document (attached at Appendix A) be approved for public consultation:
- Harrietsham 315 dwellings
 - Headcorn 190 dwellings
 - Lenham 110 dwellings
 - Marden 320 dwellings
 - Staplehurst 195 dwellings;
- 1.2.4 That Cabinet note the Maidstone Strategic Site Allocations Sustainability Appraisal Draft Interim Report June 2012 attached at Appendix C; and
- 1.2.5 That Cabinet agree, subject to the viability testing of strategic site allocations and Core Strategy policies, the prioritisation of planning obligations agreed in 2006 be reviewed and final decisions reflected in the Core Strategy policy on infrastructure delivery.

1.3 Reasons for Recommendation

- 1.3.1 The main purpose of this report is to seek Cabinet approval to undertake public consultation on proposed strategic site allocations for housing and employment for inclusion in the Core Strategy. A primary consideration running through the list of recommended sites is the provision of supporting infrastructure for highways improvements and public transport. Whilst the requirements for appropriate transport infrastructure is set out in the allocated policies (Appendix A), this report should be read in conjunction with the draft Integrated Transport Strategy report attached to the agenda. Equally important are reports updating progress on the Infrastructure Delivery Plan and responses to key issues arising from representations made on the draft Core Strategy last autumn (also attached to the agenda).
- 1.3.2 This report gives some background to the allocation of strategic sites for housing and employment, and sets out the process for allocating sites, including the sustainability appraisal of alternative sites. This is an important exercise so that the Core Strategy is found sound at examination. The reasons for rejecting and recommending site allocations have been summarised. Site capacities have been examined in detail using recognised planning principles to arrive at the number of dwellings or square metres of development, although these

will be refined when the Council gives consideration to detailed planning applications. The report also includes recommendations to include the Planning Inspectorate's model policy on the presumption in favour of sustainable development, and addresses the issue of including dwelling targets for the rural services in the Core Strategy.

Background

- 1.3.3 The Council published its Core Strategy Local Plan for "public participation" consultation on 2 September 2011, which ran for 6 weeks to 14 October. This public engagement event was known as regulation 25 consultation which, under new plan making regulations that came into effect in April 2012, is regulation 18 consultation. The next round of public consultation on the Core Strategy would normally be regulation 19, called "publication". Publication is the final consultation before the Core Strategy is submitted to the Secretary of State for independent examination into the local plan.
- 1.3.4 A total of 585 individuals and organisations responded to the 2011 consultation, submitting nearly 2,800 comments. Since then the Council has spent a considerable amount of time investigating and reviewing the issues that arose from the representations, including the production of new evidence and re-engagement with some of the stakeholders, in order to fully respond to the comments made. A call for the allocation of strategic development sites in the Core Strategy (as opposed to identifying strategic locations on the key diagram) was a major issue. Cabinet gave consideration to this specific issue at its meeting on 16 May 2012, and resolved to include strategic site allocations for housing and employment in the Core Strategy as good planning practice, and to give certainty to the public and the development industry about the quantity and location of development. The balance of smaller land allocations will be made in the Development Delivery Local Plan that will follow the Core Strategy.
- 1.3.5 Given the significance of this change, the Council must give the public an opportunity to comment on proposed strategic site allocations before they are incorporated into the Core Strategy for "publication" consultation (regulation 19). This report therefore seeks approval to undertake what is known as a partial public consultation on the Core Strategy strategic site allocations, to commence on 17 August 2012 for 6 weeks, which is the same stage of the plan making process (regulation 18) as that completed in the autumn of 2011.
- 1.3.6 Following consultation on strategic sites, a report will be presented to Cabinet at a special meeting in November 2012, which will seek approval to undertake "publication" consultation (regulation 19) on an amended draft Core Strategy. The report will include the consideration of all representations submitted during public consultation on the Core

Strategy in 2011, as well as those received on the strategic sites consultation. At that stage, the draft Core Strategy will include strategic site allocations, and will incorporate all of the recommended changes arising from the consideration of both consultations. Meanwhile, the most significant issues that arose during the 2011 consultation, together with officers' responses, are the subject of a separate report attached to this agenda.

1.3.7 The proposed timetable is set out below.

| Date | Stage | Reg | Description |
|---------------|-------------------------|-----|--|
| August 2012 | Preparation | 18 | 6-week partial public consultation on proposed strategic housing and employment site allocations, housing targets for rural service centres and the model NPPF1 policy |
| December 2012 | Publication | 19 | 7-week (to allow for public holidays) public consultation on the complete draft Core Strategy |
| March 2013 | Submission | 22 | Submission of the Core Strategy to the Secretary of State |
| July 2013 | Independent Examination | 24 | Examination into the Core Strategy by an appointed Planning Inspector |

Process for allocating strategic sites

1.3.8 The process for making strategic housing and employment site allocations began with a "call for sites" exercise between 11 May and 15 June 2012 inviting landowners, developers and their agents to use a pro forma to submit information about available sites within the strategic locations identified on the key diagram of the draft Core Strategy 2011. The call for sites focused on strategic housing locations to the north west and the south east of the urban area, and the strategic employment location at junction 8 of the M20 motorway. The strategic location at junction 7 of the M20 for a medical hub did not form part of this initial exercise because proposed development is associated with the medical hospital currently under construction, so there were no alternative sites. For the same reasons that sites in other strategic locations are examined, land at junction 7 forms part of this assessment.

1.3.9 Even if no further information came forward as part of the recent call for sites, all sites known to the Council that are located within the

strategic development locations have been assessed on equal terms in respect of their impact on the environment. To assist in the assessment of the suitability of sites for development, the categories on which information was sought included, but were not limited, to:

- Current site use
- Adjacent site uses
- Landscape
- Ecology
- Site access/transport issues
- Air quality
- Noise pollution
- Flood zone
- Access to services.

1.3.10 By their nature, strategic sites must be large sites that are critical to the delivery of the Core Strategy. Counsel's advice was sought on the criteria to use to determine which sites can be classed as strategic. For the purpose of making strategic housing site allocations in the Maidstone Core Strategy, a strategic site is defined as "a site which individually, or collectively with other sites in very close proximity to one another, is capable of providing at least one year's supply of the housing requirement for the plan period, i.e. 504 dwellings". Consequently, the call for sites focused on the larger urban periphery strategic housing locations and not the rural service centres where smaller residential allocations will be made in the Development Delivery Local Plan.

1.3.11 The first step in the assessment process discounted sites that were located outside of the strategic locations identified on the key diagram of the draft Core Strategy 2011 because they were not critical to the delivery of the strategy. Housing sites that were not located adjacent to the urban area were also discounted. Some of the discounted sites will be given consideration during the preparation of the Development Delivery Local Plan when land providing the balance of Maidstone's housing needs will be allocated.

1.3.12 A map showing the potential alternative development sites that lie within the strategic locations is attached as Appendix B. All alternative sites in the strategic development locations have been assessed on an equal basis, using sound evidence. Reasons for the proposed allocation or rejection of sites are set out below, under the strategic location headings.

1.3.13 All policies and proposals in local plans are subject to sustainability appraisal, which informs various stages of plan preparation. A Sustainability Appraisal (SA) of strategic site allocations (attached at Appendix C) has been undertaken by appointed consultants. The

conclusions in the SA have helped to inform the selection of sites, as well as highlighting where mitigation measures will be required to minimise the impact of development on the environment. A full SA will accompany the Core Strategy at publication and submission stages of the plan making process.

- 1.3.14 The NPPF makes clear that all policies in local plans should be deliverable and viable. New advice on Viability Testing Local Plans, jointly prepared by the Local Government Association and the Home Builders Federation, was published in June 2012. In partnership with Swale Borough Council, Maidstone Borough Council has recently appointed consultants (Peter Brett Associates) to undertake a joint viability assessment of both councils' local plans/ core strategies, with the intention of this work feeding into the Community Infrastructure Levy Charging Schedule. The studies will consider different aspects of viability, including affordable housing contributions, site specific considerations, and wider infrastructure impacts. The viability assessment will include an assessment of strategic site allocations.
- 1.3.15 Mitigation measures to reduce the impact of development on the landscape are required for all development proposals, making the best use of existing landscape features together with additional structural and internal landscaping. Improvements to highways and public transport are essential. So too is the permeability of individual sites, through the provision of pedestrian and cycle links giving access to existing and new housing and employment areas, open space, shops and community facilities. Mitigation measures appropriate for each site are set out in the proposed site allocation policies.
- 1.3.16 A summary of the results of the assessment is set out below. Strategic sites that are recommended for allocation, together with supporting infrastructure requirements, are set out in the specific allocation policies for each site included in the consultation document attached at Appendix A.

North west strategic housing location

- 1.3.17 Following the call for sites exercise, only one previously unknown site was submitted for consideration – South of Allington Way (HO-08-NW).

Rejected sites in the north west strategic location

- 1.3.18 South of Allington Way (HO-08-NW) is a small site capable of accommodating up to 15 dwellings. The site is situated adjacent to East of Hermitage Lane to the west of the main Allington settlement. The site in itself is not difficult to develop and the primary question would concern access. The characteristics of the site are such that it is

more suited to an infill style of development rather than as a strategic allocation. If the site were allocated as part of the wider East of Hermitage Lane allocation it would unduly affect the layout of that development for relatively little gain.

- 1.3.19 Bell Farm (HO-16-NW) is a large site, capable of accommodating up to 260 dwellings west of North Street in Barming. The site is open and slopes to the south. The primary reasons for not allocating Bell Farm for development concern character and landscape. While Bell Farm is not highly visible from the A26 Tonbridge Road, which runs south of the site, it is visible from the opposite side of the Medway valley, an important local landscape. The development of Bell Farm would also require a change in the semi-rural character to North Street that is inappropriate at this location. Heath Road would come under pressure as a primary access to the site, although the restricted width of the road with cars parked either side as far as the junction with Fountain Lane means that this would likely be an unsafe option to pursue.
- 1.3.20 Bunyards Farm (HO-20-NW) is a small triangle of land located on the northern side of Beaver Road, adjacent to the A20 London Road in Allington and the Maidstone Borough Council boundary with Tonbridge and Malling Borough Council. This site would provide a minimal amount of dwellings and would not contribute significantly to the wider objectives for the north west strategic location.
- 1.3.21 Land at Gatland Lane/Farleigh Lane (HO-21-NW), overlooks the Medway valley to the west of Fant and south of the A26 Tonbridge Road. There are two primary reasons for rejection; these being that this area is a locally important landscape which provides part of a green and blue corridor into the centre of Maidstone; and that development of this site would result in the loss of grade 1 agricultural land, of which the borough has a limited supply.

Allocated sites in the north west strategic location

- 1.3.22 The West of Hermitage Lane site is allocated for 300 dwellings and is comprised of two portions of land. The largest portion, West of Hermitage Lane (HO-11-NW) is situated opposite Maidstone Hospital on Hermitage Lane and is shaped like an arrow pointing west and is situated adjacent to the Tonbridge and Malling boundary. The smaller portion, Oakapple Lane (HO-07-NW), runs from the tip of the arrow on a north east-south west axis. The site as a whole is suitably screened from longer distance views, with a dip in the centre of the larger portion, and has close access to local facilities and services. Vehicular access will be taken from Hermitage Lane only, with Oakapple Lane providing pedestrian and cycling access via a complimentary upgrade of its unmade north western section. Along the north western boundary of the larger portion of the site a 30 metres wide buffer will

be required to protect the setting of the existing ancient woodland.

1.3.23 East of Hermitage Lane (HO-10-NW and HO-13-NW) is allocated for 415 dwellings. It was submitted as two separate sites, the larger HO-13-NW which crosses the Tonbridge and Malling boundary, and the smaller HO-10-NW site, which incorporates a redundant reservoir. This land south east of the Hermitage Lane to Allington footpath/restricted byway is an existing housing allocation and it is this land which is re-allocated for housing. The site will be split roughly 1/3 to 2/3, with the north eastern 2/3 of the site (a large open field incorporating the reservoir site) developed as housing and the south western 1/3 of the site designated as informal open space. Primary access is from an upgrade of part of the footpath/restricted byway, with emergency, bus, pedestrian and cycling access provided from Howard Drive. The site is visible from the North Downs, although the inspector for the Maidstone Borough Wide Local Plan 2000 considered that the site encroaches on the urban area, rather than vice versa.

1.3.24 Bridge Nursery (HO-19-NW) is allocated for 165 dwellings. It is an existing housing allocation in the Maidstone Borough Wide Local Plan 2000. It is located at the far north western end of the A20 London Road and is adjacent to the Tonbridge and Malling boundary. Primary access to the site will be taken from the A20. The location of this site means that it is able to take advantage of the existing community, retail, health, education and open space facilities in Allington. The site is well screened and the Maidstone East railway line provides a boundary to the north eastern edge of the site.

South east strategic housing location

1.3.25 The overall approach to assessing housing sites to the south east of the urban area was influenced by a need to protect the rural character of the area, the setting of listed buildings, and to create a softer development edge to the urban area in this location. The accessibility of the sites, proximity to the town centre, and permeability through the sites to existing residential areas and services was also extremely important. Nine sites came forward in the south east in response to the call for sites, and three were discounted due to location and/or size.

Rejected sites in the south east strategic location

1.3.26 A number of sites have been rejected based on landscape character, setting of listed buildings and grounds of accessibility. These sites include Land at Gore Court (HO-05-SE), Bicknor Farm (HO-01-SE), Land South of Sutton Road (HO-04-SE) and the northern section of land North of Sutton Road (HO-14-SE).

Allocated sites in the south east strategic location

- 1.3.27 Two of the sites adjacent to the urban edge at Langley Park (HO-15-SE) and Land North of Sutton Road (HO-14-SE south section and HO-09-SE) are allocated for residential development in the Maidstone Borough Wide Local Plan 2000, and are still considered the most sustainable sites to develop in this area. Both sites allow direct access to Sutton Road and would make best use of proposed improvements to public transport linkages to the town centre, as well as pedestrian and cycle access to local services and community facilities. For the most part, the sites have strong boundaries and are not considered to be of as high a landscape quality as other sites in this area. The site boundaries can be improved to strengthen the containment of development and help to mitigate against pressure for expansion in the future.
- 1.3.28 Of the remaining sites assessed, a further section of land North of Bicknor Wood (HO-14-SE) was considered most appropriate to accommodate development of the size and scale necessary in this location. This site has well defined boundaries with Gore Court Road to the west, Bicknor Wood to the south and White Horse Lane to the north, and can be screened from the high quality open countryside to the east by extending a section of Bicknor Wood to meet East Wood, which lies just to the north of White Horse Lane.
- 1.3.29 North of Bicknor Wood is a large open field of approximately 9.5 hectares in relatively close proximity to Sutton Road. Bicknor Wood screens this site from the existing local plan allocation at North of Sutton Road. Accessibility to the site can be improved by connecting the site to Sutton Road via a new access road through the proposed North of Sutton Road allocation, which will meet Gore Court Road at the western edge of Bicknor Wood. Existing public footpaths allow easy access to local shops and community facilities in the adjacent residential area of Senacre, and to planned improvements to public transport linkages to the town centre.
- 1.3.30 The allocation of North of Bicknor Wood ensures that the developed edge of Maidstone does not creep further east than Langley Park or further north than White Horse Lane. This also ensures that development is consolidated in this area to make best use of planned transport improvements on Sutton Road and accessibility to existing local services and facilities. Although the North of Bicknor Wood site is in an attractive rural setting, it can be screened from its surrounding open countryside, and development of the site will not impact on Bicknor Farm and Rumwood Court, which are both Grade II listed buildings.

Junction 8 strategic employment location

1.3.31 Three sites came forward at J8 in response to the call for sites.

Rejected sites at the junction 8 strategic location

1.3.32 The site to the east of M20 J8 (EMP-01-J8) is too small to make a significant contribution to the identified requirements. Further developable area would be likely to be lost to retain an adequate landscaped buffer around the edges of the site (for ecology and to protect residential amenities of Old England Cottage) and also to accommodate the necessary changes to the site's form to enable a development platform to be created. Highway access to the site would require extensive improvements to the A20 to provide a suitable and safe means of access directly from the A20. The use of the access, the construction of the access road, and the likely extensive works to create the development platform are all likely to adversely affect the setting of the adjacent listed building. The Conservation Officer has raised concerns on these grounds. Use of the site access road is likely to affect the residential amenity of the occupiers of Old England Cottage. It is recommended that this site is not suitable for allocation.

Comparison of Woodcut Farm and Land to the south of the A20

1.3.33 The other two sites submitted are land at Woodcut Farm (EMP-03-J8) and land to the south of M20 J8 (EMP-02-J8). Both sites are in countryside locations, removed from the main built up area of Maidstone and comprise open agricultural fields. Development of either site would clearly substantially alter their existing character. The existing urban influence in the vicinity of the Woodcut Farm site is slightly greater, provided by the residential and small commercial development along the A20 and the road interchange itself. The vicinity of the site to the south of the A20 is more rural in character. The site appears as a component of the rolling countryside to the south, particularly in views from the south and from the public right of way which crosses it.

1.3.34 The site to the south of A20 has defined boundaries created by the watercourses to the south and east and by the roadside banks to the north west and north east. These features would contain development and help to mitigate against pressure for expansion of the site in the future. The Woodcut Farm site has strong boundaries in the form of the A20 and M20. If the site were developed, it is likely there would be pressure in the future to bring forward the triangle of land between Musket Lane and the A20. The western boundary of the site is defined by Crismill Lane and the tree belt along it but the pressure could come to expand in this direction in the longer term. If the site were to be developed it would be important to strengthen this boundary with

substantial structural landscaping to provide a buffer to the wider countryside to the west to help to mitigate this risk.

- 1.3.35 The Woodcut Farm site forms part of the setting of the Kent Downs Area of Outstanding Natural Beauty (AONB) and represents a continuation of the landform of the North Downs. It is also visible, at a distance, from points in the AONB. Views from the AONB of the site to the south of A20 are limited. In views from the south it is seen as part of the foreground to the AONB.
- 1.3.36 It is considered that the size and characteristics of the Woodcut Farm site do offer an opportunity for the landscape impacts of development to be mitigated. This could be achieved by ensuring the existing topography of the site is respected through minimal site levelling, through significant additional structural landscaping and through careful design in terms of the buildings' scale, siting, orientation and materials. To develop the site to the south of A20 requires extensive excavation which would be a substantial and unavoidable alteration to the prevailing form of the landscape. There is significantly less opportunity on this site to soften the impacts of development through enhanced landscaping.
- 1.3.37 Archaeology is a factor on both sites and the actual potential requires confirmation including through additional survey if necessary. In addition, development on the Woodcut Farm site would need to take account of the setting of the listed farmhouse.
- 1.3.38 For the Woodcut Farm site, the impacts on protected species and sites are judged, at this stage, likely to be minimal, recognising that further surveys will be required as part of a planning application. For land to south A20, measures are required to mitigate impacts on the River Len millpond and Carr Local Wildlife Site. There are concerns about the further landscape change resulting from these measures and the impact of both these measures and the overall excavation required on the hydrology of the site.
- 1.3.39 The view of County Highways is that access to the Woodcut Farm site would be taken from the A20 Ashford Road with some improvements to the A20 roundabout, which is expected to be required to increase its capacity. Development on the site to the south of the A20 would necessitate more substantive changes to the roundabout, including the creation of a fourth "arm" to access the site, which it is judged would be more complex and costly. Development of either site would contribute to highway improvements elsewhere on the network, subject to more detailed transport assessment in conjunction with a planning application.

- 1.3.40 The promoters of the site to the south of the A20 contend that the site could deliver, within its boundaries, the initial part of a South East Maidstone Strategic Link. The link road does not form part of the emerging development or transport strategies for the borough, so this proposal for the site has been given no weight in the assessment.
- 1.3.41 In conclusion, land to the south of the A20 would require substantial landscape change to accommodate development, and has potential to impact on the adjacent Local Wildlife Site. Given the size of the Woodcut Farm site and its capacity to provide for extensive structural and internal landscaping, as well as its capability to accommodate development within a parkland setting, it is recommended that this site be allocated for employment development.

Junction 7 strategic location for a medical hub

- 1.3.42 **Newnham Park** (EMP-04-J7) at junction 7 of the M20 motorway is identified as a strategic location for a medical hub. It is a 28.5ha site located to the north of the urban area approximately 2.5km from the town centre. The site is bounded by Horish Wood to the north and Pope's Wood to the west. To the south is Bearsted Road, beyond which are Vinters Park Crematorium, Vinters Park Local Nature Reserve, and the Grove Green housing estate. The eastern boundary is formed by the A249 Sittingbourne Road, beyond which are Eclipse Business Park and the Hilton Hotel. The Kent Institute of Medicine and Surgery (KIMS) hospital is under construction on the northern perimeter of the site together with a new access road. The hospital is due to open in 2014.
- 1.3.43 The medical campus provides an opportunity for Maidstone to become a centre for medical excellence. It supports the Council's objectives for economic prosperity and the allocation will deliver a well designed and sustainably constructed development that will attract a skilled workforce and assist in balancing the jobs market. There are no alternative sites suitable for this type of development in the borough because of the nature of demand for these facilities, and the proximity of campus facilities to the KIMS clinic and motorway junction.
- 1.3.44 Development will have an impact on the landscape because the site is located in the countryside and lies within the setting of the Area of Outstanding Natural Beauty (AONB), so mitigation measures will be critical to the site's development. Newnham Park will be developed in a woodland/parkland setting with appropriate provision of open space. Necessary structural and internal landscaping will incorporate existing landscape features and watercourses running through the site, and will contain development as well as protect adjacent ancient woodland from the impacts of development. New woodland will be planted on the rectangular field to the south east of the site to provide net gains

in biodiversity and ecological connectivity between Pope's Wood and Horish Wood, and to serve as additional screening to new development.

1.3.45 Buildings at Newnham Park will be built to a high standard of design and construction, and will include a range of measures to control building heights, mass and construction materials (including green roofs). Permeability is an important aspect of the site's development, and enhanced pedestrian and cycle links to the residential areas of Grove Green, Vinters Park and Penenden Heath, and to Eclipse Business Park, will be provided. Developer contributions for highway and public transport improvements will be sought and delivered through legal agreements. Development will be guided by a development brief approved by the Borough Council.

1.3.46 Newnham Court Shopping Village is located adjacent to the medical campus, and the owners of the Village are currently seeking to make improvements to existing retail facilities. The redevelopment of the shopping village together with the medical campus will attract the investment funding required to facilitate highway improvements and other infrastructure necessary to serve the development. Extending the development brief for the medical campus to incorporate the shopping village will provide an opportunity to secure a well planned, well designed and comprehensive development at an important gateway into Maidstone. The quantum and type of retail facilities will be restricted, and the impact of replacement retail facilities on the town centre will be addressed through the requirement for retail impact assessments and policy restrictions.

1.3.47 It is recommended that Newnham Park is allocated for a medical campus, retail park and nature reserve, together with extensive structural and internal landscaping and supporting infrastructure.

Priorities for delivering infrastructure

1.3.48 In July 2006, Cabinet¹ agreed its priorities for the negotiation of Section 106 planning obligations² as follows:

Housing Development

1. Affordable housing/provision of open space and recreational facilities
2. Education contributions
3. Transportation infrastructure
4. Medical provision

¹ Cabinet 12 July 2006

² Town and Country Planning Act 1990

5. Community safety

Business and Retail Development

1. Transportation infrastructure
2. Open space/landscaping
3. Education/training contributions
4. Community safety
5. Clean and tidy borough
6. Other

Leisure Development

1. Transport infrastructure
2. Community safety
3. Open space/landscaping
4. Education/training contributions
5. Clean and tidy borough
6. Other.

1.3.49 The context in which priorities were considered included two emerging development plan documents on affordable housing and open space, and consultation with Planning Committee and the Environment and Transportation Overview and Scrutiny Committee. Cabinet resolved "that the schedule of completed Planning Obligations be available online", and "that following the adoption of these priorities, a Supplementary Planning Document on Developer Contributions be prepared in accordance with the timetable set down in the adopted Local Development Scheme".

1.3.50 A supplementary planning document was not produced, and the list of priorities for planning obligations was never uploaded to the Council's website or used extensively in the development management process. However, affordable housing and open space contributions have been given priority when determining planning applications in accordance with the two adopted development plan documents for these policies. The reasons for not pursuing a supplementary planning document are not clear. It may have been due to the lack of consultation, viability assessment, explicit scoring criteria, etc., and that the business and retail contributions priorities did not follow the development plan policies at that time. Consequently, no formal public consultation or examination/ inquiry into the methodology or the selection of planning obligation priorities have been undertaken.

1.3.51 A key issue for the Council in 2012 is the delivery of transport infrastructure to support new development, particularly strategic housing and employment sites that are proposed to be allocated in the Core Strategy. The allocations will be subject to viability testing, but sites cannot be delivered without the necessary improvements to highways and public transport set out in the policies (attached at

Appendix A), the draft Integrated Transport Strategy and the draft Infrastructure Delivery Plan (both of which are the subject of separate reports attached to this agenda). The Core Strategy will be found unsound if transport infrastructure is not given sufficient priority in the delivery of the strategy.

- 1.3.52 It is therefore recommended that, subject to viability testing of strategic site allocations and Core Strategy policies as a whole, the prioritisation of planning obligations is reviewed in the context of the proposed housing and employment allocations, and that the policy on infrastructure delivery (policy CS14) reflects those decisions.

NPPF model policy

- 1.3.53 The National Planning Policy Framework (NPPF) was published in March 2012, and the key theme running through the framework is a presumption in favour of sustainable development. The Planning Inspectorate has published a model policy for local plans, which is considered to be an appropriate way of meeting the expectations of the presumption in favour. The model policy addresses the need to proactively engage with applicants to find solutions to problems and, where there are no up-to-date policies, to grant planning permission without delay unless material considerations indicate otherwise. The model policy has been inserted into a number of core strategies by the presiding inspector at recent core strategy examinations.

- 1.3.54 Although the requirements of the policy are set out in the NPPF, and the Borough Council implements best practice by working proactively with applicants, a decision to exclude the policy from the Core Strategy at this stage of the plan making process could lead to the Core Strategy being found unsound at examination. The consultation on strategic housing and employment site allocations offers a vehicle to also consult the public on the model policy, despite there being limited opportunity to amend the wording. It is recommended that policy NPPF1: Presumption in favour of development is included in the Core Strategy and that the policy is published for public consultation (Appendix A).

Rural Service Centres

- 1.3.55 Sites for housing development at the rural service centres (RSC) will be allocated in the Development Delivery Local Plan. Three of the key issues that respondents raised during the 2011 public participation consultation on the Core Strategy relate to the designation of villages as RSCs, the need for flexibility through the early release of sites at RSCs where a local need has been demonstrated, and the inclusion of specific residential targets for the five RSCs.

1.3.56 These three issues are discussed in detail in the report on the public participation consultation attached to this agenda. It is proposed to retain the five designated RSCs, and to carry forward to the Core Strategy the paragraph allowing flexibility at RSCs as well as the individual village dwelling targets set out in the Cabinet report of 9 February 2011. The Core Strategy will be amended to reflect these changes prior to Cabinet's approval to undertake publication consultation in December.

1.3.57 However, any major changes to the strategy contained in the publication version of the Core Strategy following consultation in December would result in the need for a further round of public consultation on those changes. To mitigate the risk to the Core Strategy programme, it is recommended that the dwelling targets set out for the RSCs in the 9 February 2011 Cabinet report be included in the consultation document attached at Appendix A. These are:

- Harrietsham 315 dwellings
- Headcorn 190 dwellings
- Lenham 110 dwellings
- Marden 320 dwellings
- Staplehurst 195 dwellings

1.4 Alternative Action and why not Recommended

1.4.1 The Council could publish its Core Strategy for regulation 19 consultation without the allocation of strategic sites for housing and employment, and retain the strategic development locations on the key diagram only. However, the inclusion of allocated strategic sites for housing and employment not only gives clarity on the amount and location of proposed development, but also results in a more robust Core Strategy. The assessment of alternative sites is integral to the site selection process.

1.5 Impact on Corporate Objectives

1.5.1 Corporate objectives of achieving economic prosperity and providing decent housing are inherent in strategic site allocation policies.

1.6 Risk Management

1.6.1 The main risk to the Core Strategy is the local plan being found unsound at independent examination. This risk is mitigated by the inclusion of strategic site allocations in the Core Strategy, the retention of Counsel for legal advice on the Core Strategy process, and the publication of a sustainability appraisal for alternative development sites.

1.6.2 The transitional period for local plan conformity with the NPPF expires in March 2013. It is important for the Council to submit its Core Strategy to the Secretary of State by then, in accordance with the current programme, to avoid a further policy vacuum. Submitted core strategies carry considerable weight as material considerations in the determination of planning applications. Continued communication and support between officers, Members and the public is vital to maintaining the programme.

1.7 Other Implications

1.7.1

| | | |
|----|---------------------------------------|---|
| 1. | Financial | X |
| 2. | Staffing | |
| 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 has been identified through the Council’s medium term financial strategy. Developer contributions will be secured through legal agreements to deliver the necessary infrastructure for strategic site allocations.

1.7.3 **Legal:** Legal advice is being sought at each stage of the plan making process to minimise the risk of the Core Strategy being found sound at examination. This is particularly important for site allocations because a number of core strategies have recently been found unsound due to the inequitable way in which alternative sites have been appraised. These services can be managed within the existing budget for local plan production and internal and external legal advice has been sought at all stages of the Core Strategy development. Legal agreements will be required for both on-site and off-site infrastructure.

1.7.4 **Environmental/Sustainable Development:** The Sustainability Appraisal attached at Appendix C examines the social, environmental and economic impacts of potential development sites, to ensure the decisions made about site allocations contribute towards achieving sustainability.

1.7.5 **Procurement:** Consultants have been procured to undertake work on the sustainability and viability of strategic sites, and were appointed in accordance with the Council's procurement procedures. Costs can be managed within the existing budget for local plan production.

1.8 Relevant Documents

Cabinet report 25 July 2012 - Draft Integrated Transport Strategy
Cabinet report 25 July 2012 - Infrastructure Delivery Plan Update
Cabinet report 25 July 2012 - Core Strategy Public Participation Consultation: Key Issues and Responses

1.8.1 Appendices

Appendix A Core Strategy Strategic Site Allocations: Public Consultation 2012

Appendix B Map of Alternative Strategic Sites for Housing and Employment

Appendix C Maidstone Strategic Site Allocations Sustainability Appraisal Interim Report 2012

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?

June 2012

This is a Key Decision because: Affects all wards and parishes

Wards/Parishes affected: All wards and parishes