

**MAIDSTONE BOROUGH COUNCIL**

**RECORD OF DECISION OF THE CABINET**

Decision Made: 29 June 2009

**RESPONSE TO REPRESENTATIONS RECEIVED ON THE  
MAIDSTONE BOROUGH CORE STRATEGY AND THE NEXT  
STEPS**

**Issue for Decision**

Following the determination of the KIG Ltd planning application (MA07/2092) it is now possible to progress the draft Core Strategy. In order to progress it is necessary determine:

- the Council's response to the representations made by KIG Ltd to the LDF Core Strategy;
- whether the Council should proceed now with the process to adopt the Core Strategy prior to the final determination of the KIG Ltd planning application appeal process, in the light of the risks;
- whether to proceed on the same fundamental basis as outlined in the Core Strategy Preferred Option 7C; and

to consider the nature of the likely modifications that should be made to the Preferred Option 7C as the Plan is progressed.

**Decision Made**

1. That Council does not make a strategic allocation in the Maidstone Core Strategy for the Kent International Gateway proposal for a strategic rail/road freight interchange incorporating buildings for warehousing and distribution and offices, research and development and light industrial units at east Maidstone, west of M20 Junction 8 and north of the A20, for the reasons set out in the report of the Assistant Director of Development and Community Strategy and Appendix 1 of that report.
2. That Council does not make provision for a strategic road/rail freight interchange in the Maidstone Core Strategy, for the reasons set out in the report of the Assistant Director of Development and Community Strategy and Appendix 1 of that report.
3. That the Council proceed with preparation of the LDF Core Strategy on the timetable outlined in the LDS and in advance of the final resolution of the appeal on the KIG proposal on the balance of risks considered in this report and appendices.
4. That the Council progresses the fundamental spatial distribution strategy for the Core Strategy as set out in 'Preferred Option 7C' as the basis for further evaluation of viability and deliverability (including Regulation 25 stakeholder

participation) before reporting back to LDDAG to agree a draft Core Strategy plan for Public Consultation in the summer of 2010”.

5. That the Core Strategy statement (attached as Appendix 2 to the report of the Assistant Director of Development and Community Strategy) and the possible modifications and refinement of Option 7C outlined in that document be considered.

## **Reasons for Decision**

The report of the Assistant Director of Development and Community Strategy briefly reviewed the Member process and public consultation exercises used to develop the Core Strategy Preferred Option Document - January 2007 - and the reasoning for selecting the Preferred Option. It then considered the principles behind the Preferred Option and concludes that they remain valid in the light of the studies undertaken and new higher tier policy, particularly the Strategic Housing Land Availability Assessment (SHLAA) and the South East Plan. These studies address the issues raised in public consultation representations received to the Core Strategy Preferred Option in 2007.

The report of the Assistant Director of Development and Community Strategy provided an update on the significant changes in circumstances, legislation and national and regional policy and its implications for Core Strategy. In summary:

- Provision in the Core Strategy for a rail freight interchange is considered contrary to SRA criteria and South East Plan policy and national guidance for the location of SRFI. Neither the site nor a location in the Borough or mid Kent generally is a suitable location for the proposed development, as it does not optimise the use of rail and does not minimise the secondary distribution leg by road. It is not well related to the proposed national distribution centre use and markets, or to London and the M25, and consequently it will not result in significant modal shift of freight from road to rail or reduce onward lorry movements required by national policy.
- The proposed site is not unique and there are suitable sites in the wider south east region that can (a) meet policy requirements for the provision of 3 to 4 SRFI sites to serve London and the wider South East, and (b) that that satisfies the policy criteria guiding the location of SRFI sites located in the region. Furthermore, because of the unacceptable harm caused the Council would oppose provision of this form and scale of development in the general location even in the absence of alternative sites.
- The proposal is considered likely to result in the provision of employment in a location where there is an insufficient supply of labour locally and it would be unlikely to offer the higher wages and quality of work necessary to give incentive to reduce out commuting. This will seriously impact on local businesses and will result in considerable inward commuting to an area that is not readily serviced by public transport.

- This location is not appropriate for this scale of business development. The proposal will result in the creation of a major new centre of employment to the east of Maidstone, and would be in addition to the established policy for the provision of quality jobs in the town centre and elsewhere within the urban area, and contrary to planning strategy for growth and regeneration in the defined Growth Areas in the Region.
- Provision for the proposal would prejudice the ability of the Council to properly plan the level and location of employment and consequently the scale of housing to be provided in the draft Core Strategy and is therefore contrary to Policies SP2 and AOSR7 of the South East Plan.
- The proposed allocation site includes areas of designated Strategic Gap, protected woodlands and sensitive landscape and habitats that form an important part of the setting of the AONB, unsuitable for this scale and form of development in accordance with the South East Plan.
- Furthermore, the level of traffic generated by the development in addition to the projected traffic flows of future growth allocated to the Borough by the South East Plan would have an adverse impact on the highway network and cannot be managed or mitigated however it is distributed around the urban area in accordance with SEP policy. The planning authority and highways authority consider that this would threaten delivery of the South East Plan targets and is therefore contrary to the guidance in PPS12 and PPS1, and Policies T1 and CC7 of the South East Plan.
- The proposal is considered fundamentally inconsistent with the spatial strategy and housing and employment growth targets of the emerging draft Core Strategy and the adopted South East Plan.
- In response to the three points of representation made by KIG Ltd:
  - The proposed rewording of draft Core Strategy Objective 1 to one of exploiting “locational opportunities” is considered inconsistent with the general thrust of the plan, Economic Development Strategy and Sustainable Community Strategy which are seeking to promote higher quality employment, and is therefore rejected.
  - The proposed additional to Policy CS2 and associated text to include a specific provision for an SRFI is rejected for the reasons above.
  - Therefore, there is no case for making a strategic land allocation in the Core Strategy for an SRFI.
- Furthermore, decision to include provision of a rail freight interchange in the Core Strategy advance of the National Policy Statement on a National Network and subsequent regional planning advice pursuant to Policy T13 of the SEP would be premature.

Appendix 1 of the report of the Assistant Director of Development and Community Strategy considered the KIG representations in detail. The conclusion is that provision should not be made in the Plan for the KIG proposal or a strategic road/rail freight interchange in principle.

Appendix 2 of the report of the Assistant Director of Development and Community Strategy provided a statement of the Key Considerations in the Development of the Core Strategy. This identified aspects of the Preferred Option and where modification and refinement should be considered as part of progressing the Plan.

A separate report to this meeting of Cabinet addressed the proposed timetable and process of advancing the Core Strategy as one of the Local Development Framework documents in a new Local Development Scheme work programme.

It was stressed that the SHLAA does not predetermine whether sites should or can be developed, it provides information of the range of potential options about which policy decisions can be made.

### Considerations

The report of the Assistant Director of Development and Community Strategy was structured to provide consideration of the:

- Reasons for the original selection of the Core Strategy - 'Preferred Option 7C, January 2007'
- Public consultation response received to the 'Preferred Option 7C' , including that from KIG Ltd (refers to Appendix 1)
- Consideration of 'Preferred Option 7C' in the light of new evidence and circumstances – including the SHLAA , the South East Plan and new legislation
- Future scope for modification and refinement of the Preferred Option (refers to Appendix 2)
- Alternative Actions and why they are not recommended
- Risk Assessment
- Summary

### Reasons for the original selection of the Core Strategy - 'Preferred Option 7C, January 2007

Work on the Core Strategy started in early 2006 converting preliminary work on an Issues and Choices Review of the Maidstone Borough Wide-Local Plan 2000 into an Issues and Options stage public consultation using the then new LDF legislation. Public consultation included the Café Conversations and explored the Issues and Options for spatial planning that concerned the public and stakeholders.

Informed by the Issues and Options work, Members considered a number of options for future development. A full Council seminar in October 2006 considered 12 main options comprising four levels of development growth and three patterns of distribution:

- An Urban Led strategy

- An Edge of Centre led strategy with accepted levels of urban development taking place first and
- A new /expanded rural settlement(s) led strategy with accepted levels of urban development

All had been tested and compared and were subject to Sustainability Appraisal. The levels of development tested ranged from 8,200 to 15,000 dwellings over 20 years; these responded to the likely range of housing targets that might be prescribed for Maidstone with the related employment targets. The selected spatial strategy had to be flexible and robust enough to accommodate different levels of targets which will be prescribed through the Regional Spatial Strategy and Government policy.

In the light of the full Council seminar, the Local Development Document Advisory Group (LDDAG) met in July and October 2006 to consider the options and made recommendations to Cabinet.

Cabinet agreed the recommendations on 26 October 2006, that Option 7C: The edge of centre and urban regeneration led approach be adopted as the preferred option for the Core Strategy for public consultation purposes. The documentation and evidence behind the plan included a draft Core Strategy Preferred Options document containing a summary version of the Core Strategy Vision statement, 11 draft Spatial Objectives and an outline for a set of Strategic Policies together with a Key Diagram.

#### Formal representations and comments received on 'Preferred Option 7C'

As detailed in the LDDAG reports of 4 July and 31 July 2007, 294 formal representations were made on the Core Strategy Preferred Options Document, with approximately 1700 individual points being made. There was good general support for the vision and objectives from:

- the formal representations,
- from other sources including a questionnaire poll that responded to a DVD film presentation to outline the spatial options and
- various stakeholder meeting events.

This all indicated general support for Option 7C over other options.

The LDDAG report of 31 July 2007 provided a comprehensive summary of all the formal representations and comments received. It contained a summary of the key themes and comments and proposed work to address the issues raised in response.

The representations were grouped into the following themes (in no particular order): Growth Point Status; Greenfield Development/Urban Extension; Maidstone and Rural Service Centre Growth; Employment Locations/Type; Housing Type/Land; County Town Status; Rural Economy; Drafting of Objectives, Policies and Key Diagram; Evidence Base; Purpose of Core Strategy/ Site Allocations; National and Regional Policy; Sustainability Issues; Green Spaces, Landscapes, Countryside; Traffic and Transport; and Staging of Development.

A significant number of representations and responses focused on the spatial distribution of development and were received from the geographic areas most affected. Concerns expressed included the level of growth proposed.

There was, however, general support for concentrating development in the first phase of the plan at Maidstone urban area and the Rural Service Centres and during the second phase at a new mixed-use sustainable community at the south-east/east of Maidstone urban area. This support was conditional on the delivery of enhanced social and strategic infrastructure and that infrastructure be provided before development was completed.

Serious concerns were expressed over travel and transport and the level of congestion in the Borough. There was general support for the preferred option in relation to the environment and the preservation of green space, with green corridors and the protection of the North Downs and other special areas. There was general support for promoting high value and high quality development, but scepticism was expressed over how this was to be achieved. In relation to place-making, sustainability and climate change issues were emphasised.

There was general concern over the lack of detail and uncertainty on various aspects of the Core Strategy, particularly in relation to the south-east/east proposed urban extension and the minor urban extension areas. This was amplified by the identification of 'areas of search' in the Key Diagram, of which only approximately 20% of the area identified would be needed for the net development area to meet the then current targets.

It was considered that the majority of the issues raised could be addressed through the process of additional evidence gathering and providing more detail and testing and refining policy. Going forward, these issues and likely necessary modifications in response are considered in detail in Appendix 2, a statement of Key Considerations in the Development of the Core Strategy.

#### KIG Ltd representation

Amongst the representations was one from Kent International Gateway Ltd. This was so significant that it would have implications for the direction of the entire Core Strategy to the extent it would require a totally different spatial strategy.

The KIG representations are set out in Appendix 1 of the report of the Assistant Director of Development and Community Strategy.

A site plan was also lodged with the above representations to the Core Strategy Preferred Options document which generally aligns with the planning application site subsequently submitted in October 2007. This is considered fully in Appendix 1 of the report of the Assistant Director of Development and Community Strategy.

## Revised programme for the Core Strategy

The Cabinet Member for Regeneration resolved on 10 August 2007 following a recommendation from LDDAG based on reports on the above matters that:

*(a) The adopted work programme for the Core Strategy be extended to include a further round of evidence gathering and public consultation and potentially submission of a draft Core Strategy before December 2008; and*

*(b) The evidence gathering and assessment for the Core Strategy consider whether the land, the subject of the inter-modal freight depot proposal is accommodated or not for that purpose.*

The Council at its meeting in December 2007 and LDDAG in April 2008 considered some of the issues relating to the development of the Core Strategy in the light of the KIG proposals. The following LDDAG resolution guided the way forward for the Core Strategy:

*"that the LDS and Core Strategy should be developed once:*

*(a) The Council has determined its position in response to the representations made on the Core Strategy and the planning application submitted by, Kent International Gateway (KIG), and*

*(b) New Government legislation and guidance are in place."*

Concerning '(b)' above, significant legislative and regulatory changes to LDF processes and content were published in mid 2008, which are also addressed below and detailed in the LDS report.

In May 2009 the Council determined its position on the KIG planning application. The Council is now in a position to determine its response to the LDF Core Strategy representation from KIG. Given the length of the discussion and analysis, this is contained in Appendix 1 of the report of the Assistant Director of Development and Community Strategy.

### Preferred Option 7C - consideration in the light of new evidence including the SHLAA and the South East Plan

Firstly, it is helpful to note some key principles of the Preferred Option spatial strategy 7C:

- urban regeneration in the first phase of the plan period.
- maintenance of the 'stellar' form of Maidstone urban area, i.e. the protection of a multi-functional network of green and blue spaces (as shown on the key diagram).
- providing for a sustainable urban extension located to the south/south-east of Maidstone, planned to achieve a critical mass to provide an enhanced level of strategic and community infrastructure and services.

- providing for small scale growth at Rural Service Centres and villages consistent with their role and function.
- providing for very limited small scale urban development elsewhere at the edge of Maidstone to ensure flexibility and the maintenance of the 5 year rolling housing supply target.
- The option provided for 10,080 dwellings although the spatial strategy provided flexibility to provide for a range of likely housing targets in the Regional Spatial Strategy – the South East Plan.

The key alternatives to Preferred Option 7C are:

- new / expanded rural settlement led approach
- the urban led approach (with higher densities)

As a result of the above decisions a range of further studies and evidence gathering has been undertaken. A principal item was the Strategic Housing Land Availability Assessment ("SHLAA") as required by recent Government requirements. The South East Plan is now part of the 'Development Plan' for Maidstone and should be complied with.

The SHLAA has confirmed that a wholly Urban Led approach is undeliverable. The SHLAA analysis shows that insufficient housing supply can realistically be achieved from sites within the urban areas. Applying an appropriate density to suitable, available and achievable sites, the estimated total site capacity of brownfield SHLAA sites within Maidstone is less than 1500 dwellings, beyond those sites already having planning permission.

The SHLAA has also confirmed that the New / Expanded Rural Settlement Led approach cannot deliver a sufficient volume of dwellings during the plan period.

The SHLAA also confirms that there is not another alternative sustainable strategy option likely to comply with regional or national planning. Without the urban extension to the east/ south east of Maidstone, the SHLAA reveals that there would be insufficient capacity from suitable alternative greenfield options at the edge of Maidstone. The SHLAA has identified potential for some 800 dwellings that could be accommodated on outstanding greenfield Local Plan allocations outside the urban extension area - whilst other greenfield sites put forward by developers to the SHLAA could accommodate less than 1500 dwellings if all proved suitable.

It should be stressed that the SHLAA does not predetermine whether sites should or can be developed, it provides information of the range of potential options about which policy decisions can be made.



## Other studies undertaken

Background documents to the Core Strategy Preferred Options revealed that the edges of Maidstone urban area are constrained by a range of factors but that the east/south east sector proved to be the most sustainable location for an urban extension. Since this assessment:

- Further transport modelling work has confirmed that the whole of the wider urban area will come under considerable congestion caused by both the increased travel by existing population and businesses and that generated in meeting the new development required by the South East Plan, wherever development is located. It is confirmed that a package of measures will be necessary to influence the generation, manage travel patterns and movement including new policy measures, sustainable transport infrastructure and additional road capacity. The work is confirming that the east/south sector is the most sustainable location in transport terms for a significant scale of new development and that the South East Maidstone Strategic Link is a critical element of this package to manage congestion and enable development and regeneration. These matters are addressed further in Appendix 2, Key Considerations in the Development of the Core Strategy.
- the Strategic Flood Risk Assessment has confirmed that almost all of the area of search to the east/ south east of Maidstone town is free from flood risk.
- a preliminary environmental assessment has revealed no significant geological risks in relation to ground conditions.
- the preliminary findings of the draft Landscape Character Area Assessment of the urban fringe of Maidstone illustrates the significant landscape constraints around the edge of the town and that the area of search to the east/ south east is not in the best condition. Nevertheless, the sensitivity and condition of the area is recognised and careful masterplanning would be required to ensure the reinforcement of the best features into a comprehensive green infrastructure within any development of this area.

The potential availability for development of the urban extension to the east/south east of Maidstone town is confirmed in the SHLAA as having landowners interested in developing land within, and beyond, the Area of Search identified in the Core Strategy Preferred Options. Potential availability also includes judgement about the economic viability of a site, and the capacity of the developer to complete and sell the housing over a certain period. It will be affected by market factors; cost factors; and delivery factors.

## Conclusion

The SHLAA and other evidence has confirmed the principles (as listed above) relating to the original choice of 'Preferred Option 7C' are necessary to deliver the housing provision for Maidstone Borough. The strategy will require modification and the considerations involved are

explored in Appendix 2 of the report of the Assistant Director of Development and Community Strategy.

New Legislation, Regulations, National & new Regional Spatial Strategy that has significant implications for how the Core Strategy is developed

The new Planning Policy Statement 12 (PPS12) was published on 4 June 2008, which sets out the Government's policy on local spatial planning, which plays a central role in the overall task of place shaping and in the delivery of land uses and associated activities. PPS12 directs the preparation of the development and supplementary planning documents. A key focus of the new PPS 12 is on delivery and the production of an infrastructure delivery plan is now required. The 'tests' of soundness have been revised in the light of experience. In summary, to be 'sound' a Core Strategy should be justified, effective, and consistent with national policy and conform to the regional spatial strategy (the South East Plan).

"Justified" means that the Core Strategy must be founded on a robust and credible evidence base; the most appropriate strategy when considered against the reasonable alternatives. "Effective" means that the document must be deliverable, flexible and able to be monitored.

Council officers have been gathering evidence to support the development of the Core Strategy and address representations received on the Preferred Option Document. The evidence is further discussed below and in Appendix 2 of the report of the Assistant Director of Development and Community Strategy, Key Considerations in the Development of the Core Strategy. However, to ensure that the Maidstone Borough Core Strategy is found 'sound' under Independent Examination, it is necessary to undertake further discussions with infrastructure and service providers, and further infrastructure planning based on refined spatial option and phasing; ensure that partners who are essential to the delivery of the Core Strategy or the Plan are signed up to it; and clearly state who is intended to implement and fund different elements of the strategy and when this will happen.

The Core Strategy must generally conform with the Regional Spatial Strategy – the South East Plan to meet one of the key tests of 'soundness'. As previously noted, the Secretary of State published on 6 May 2009 the final Regional Spatial Strategy for the South East – the South East Plan. The South East Plan housing target is now 11,080 homes. The key South East Plan policy for Maidstone is Policy AOSR7, Maidstone Hub, which provides strong direction for the Core Strategy's spatial policy direction. An extract is provided as follows:

***POLICY AOSR7: MAIDSTONE HUB***

*The Local Development Framework at Maidstone will:*

- i. Make new provision for housing consistent with its growth role, including associated transport infrastructure.....*

*Maidstone is the county town of Kent, and serves as the focus for administrative, commercial and retail activities. It is designated as a hub under Policy SP2 of this Plan as it is well related to strategic rail and road networks and serves as an interchange point between intra*

*and local rail services. It also offers opportunities for some new housing development. **An indicative 90% of new housing at Maidstone should be in or adjacent to the town. Associated infrastructure to support growth should include the South East Maidstone Relief Route and Maidstone Hub package.** Local Authorities should investigate any the need to avoid coalescence with the Medway Gap urban area.*

The Preferred 'Option 7C' broadly conforms with the South East Plan in terms of the spatial distribution and support for the Maidstone Strategic Link Road and transport and travel package. The alternative development approaches given the sustainability considerations are unlikely to conform with the South East Plan. For a fuller discussion, refer to Appendix 2 of the report of the Assistant Director of Development and Community Strategy, Key Considerations in the Development of the Core Strategy.

### The Evidence Base for developing the Core Strategy

Much of the evidence base for the Core Strategy is completed or underway on topics including: housing, employment, retailing, sustainability issues, flooding, Gypsies and Travellers, town centre and urban extension masterplanning, landscape assessment and capacity review of the rural settlements.

However, progress on evidence gathering that now requires stakeholder engagement (as opposed to general public consultation) includes:

- Maidstone Urban Extension Master Plan
- SEMSL
- Transportation proposals
- Town Centre Master Plan
- Infrastructure planning study
- Green Infrastructure Strategy
- Indoor Sports Study
- Water Cycle Strategy
- SHLAA Sites Assessment

Some evidence needs updating following adoption of the South East Plan, publication of new government guidance, and to take account of recessionary effects. This includes that on employment land.

As evidence base builds further, it will be important to:

- Refine the spatial strategy for development
- Produce an Infrastructure Delivery Plan
- Draft Core Strategy policies for Member approval

The Council must accomplish a sound and robust evidence base to support the Core Strategy at Examination. Appendix 2 of the report of the Assistant Director of Development and Community Strategy, Key Consideration in the Development of the Core Strategy details the emerging evidence and demonstrates a way forward building on work completed to date. Members are invited to consider and comment on the content of the document.

## The future Core Strategy programme and timetable

New plan-making regulations have been introduced in light of experience with LDF. These were largely made operative in mid 2008 with some clauses not becoming operative until April 2009. Some further changes are also expected. The key stages of DPD production are now:

- Evidence gathering and preparation
- **Public Participation** – stakeholder engagement
- Informal public consultation
- **Publication** – formal public consultation
- **Submission** – to the Secretary of State
- **Examination**
- **Adoption**  
(emboldened stages are regulatory stages)

The Core Strategy programme and timetable primarily influences the Local Development Scheme and the production of other local development documents.

The Local Development Document Advisory Group (“LDDAG”) met on 25 June 2009 to consider these recommendations and a reference from LDDAG was considered at the meeting of Cabinet. Cabinet accepted the recommendations from LDDAG and these are as set out in Decision Made above.

### **Alternatives considered and why rejected**

The key alternative spatial strategies are not considered deliverable. No sustainable alternative distribution has emerged through the SHLAA. The alternatives are likely to be inconsistent with national and regional policy, including the South East Plan.

It is a statutory requirement to prepare and adopt a core strategy as part of the local development framework.

The development of the Core Strategy could be delayed pending a decision on the KIG proposal appeal and final agreement on strategic infrastructure. However, this is not recommended as there is a need for an up to date sustainable development planning framework.

### **Background Papers**

*Local Development Framework and supporting documents are available on:*  
[http://www.digitalmaidstone.co.uk/planning\\_\\_building\\_control/local\\_development\\_framework.aspx](http://www.digitalmaidstone.co.uk/planning__building_control/local_development_framework.aspx)

Should you be concerned about this decision and wish to call it in, please submit a call in form signed by any two Non-Executive Members to the Overview & Scrutiny and Policy Manager by: <b>7 July 2009</b>
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**MAIDSTONE BOROUGH COUNCIL**

**RECORD OF DECISION OF THE CABINET**

Decision Made: 29 June 2009

**LOCAL DEVELOPMENT SCHEME 2009**

**Issue for Decision**

To consider the adoption of the Local Development Scheme 2009 and its submission to the Secretary of State, in accordance with Regulations 10 and 11 of the Town and Country Planning (Local Development) (England) Regulations 2008 (SI 2008 No.1371).

**Decision Made**

1. That the prioritisation of documents, the risk assessment and the requirement to commence stakeholder consultations on the Core Strategy in the summer of 2009 be noted.
2. That the Local Development Scheme 2009 be agreed for adoption and submission to the Secretary of State.
3. That the Local Development Scheme 2009 formally comes into effect on the date of receipt of notification that the Secretary of State will not be issuing a Direction Notice be agreed.

**Reasons for Decision**

The Council is required to produce a Local Development Scheme (LDS) which sets out the range of Development Plan Documents (DPD) it proposes to prepare, together with a work programme over a minimum three year period. Delivery of the programme is monitored through the Annual Monitoring Report, and the LDS is amended as necessary. The plan making element of Housing and Planning Delivery Grant is dependant on meeting certain project "milestones" identified in the LDS programme.

There is no longer a duty to incorporate a programme for Supplementary Planning Documents (SPD) in an LDS, or to include recently introduced Supplementary Guidance. However, the LDS lists these documents and explains that the Council will give priority to their production following the adoption of the Core Strategy.

This is the second review of Maidstone's LDS, which was initially adopted in 2005 and reviewed in 2007. This review is necessary given delays to the Core Strategy programme since 2007 and the knock-on effects for the production of other LDF documents. The 2009 LDS has been prepared in

accordance with new government guidance and plan making regulations that have been published since 2007.

Despite the disappointment of programme delays for DPD production, the Council has achieved success in adopting two Character Area Assessment SPDs for the London Road and Loose Road areas (2008) and the Residential Extensions SPD (2009); and endorsed the Kent Downs AONB Management Plan and the Kent Design Guide as Supplementary Guidance to the Local Development Framework (LDF) in 2009. The Council has also consistently achieved all of its targets for the submission of its Annual Monitoring Report each December.

The Core Strategy timetable is the lynch pin to the LDS programme and it must remain the Council's priority. Whilst much of the evidence base for the Core Strategy is completed or underway, evidence that relied on stakeholder consultations was deferred until the programme could restart. This includes, for example:

- Masterplanning for the Maidstone Urban Extension
- Transport Modelling and Planning (including the South East Maidstone Strategic Link)
- Town Centre Masterplanning
- Establishment of a Settlement Hierarchy, including defining Rural Service Centres
- Infrastructure Planning and Delivery
- Green Infrastructure Strategy
- Indoor Sports Study
- Water Cycle Strategy
- A further assessment of sites contained in the Strategic Housing Land Availability Assessment

Stakeholders include the infrastructure providers (education, health, utilities, water, etc.), parish councils, Kent County Council, Highways Agency, Environment Agency, relevant landowners regarding land assembly, and so on.

Clearly, the Council needs to ensure that the evidence base for the Core Strategy is up-to-date, robust and complete to support a sound Core Strategy at Examination. Once the evidence base is brought together, the Council will need to:

- Test its development distribution options for housing, employment, etc., to confirm a sound strategy
- Produce an infrastructure delivery plan and schedule to identify infrastructure needs, costs, development phasing, funding sources and responsibilities for development
- Draft Core Strategy policies.

The evidence and draft policies will be presented to a series of Member meetings leading to approval of the final document for informal consultation.

It is important to build a realistic timetable for the Core Strategy that will allow completion of the evidence base and regular Member input. The

time spent completing a sound evidence base this year will save time at later stages of plan production, and will reap rewards at Examination.

Nonetheless, the Core Strategy timetable will always be subject to certain risks that have to be managed (see Section 1.6 of this report). Of particular concern is the risk of an adverse decision from the Secretary of State regarding an appeal seeking the development of a strategic rail freight interchange on land at junction 8 of the M20 motorway, which the Council resolved it would have refused had an appeal not been submitted. If the appeal is allowed, the Core Strategy will have to be rewritten because of the impact the proposal would have in terms of how, when and where housing and employment targets are met.

Under new regulations, the Council is currently at Public Participation stage with stakeholder engagement. The next step will be informal public consultation, followed by Publication (formal public consultation), Submission to the Secretary of State, Independent Examination and Adoption.

The proposed timetable for the Core Strategy is set out as follows:

Public Participation (stakeholder engagement)	July 2009-February 2010
Informal Public Consultation	July 2010-August 2010
Publication (formal public consultation)	January 2011-February 2011
Submission to the Secretary of State	April 2011
Independent Examination	July 2011-August 2011
Adoption	December 2011

In addition to seeking Member approval to undertake each stage of Core Strategy production, a series of Member meetings will be held between September 2009 and March 2010, during the production of the DPD's evidence base and drafting of policies. This will assist in mitigating risks to the Core Strategy timetable and thus the LDS programme.

Members agreed priorities for the production of DPDs and SPDs in **October 2008**, which are:

- *Core Strategy DPD*
- *Gypsy & Traveller Pitch Allocations DPD*
- *Interim Planning Tariff SPD*
- *Parking Strategy SPD*
- *Urban Regeneration AAP*
- *Land Allocations DPD*
- *Kent Design Guide SPD*
- *Access for Disabled People SPD*
- *Air Quality SPD*
- *Urban Extension SPD*
- *Landscape Character Area Assessment SPD*
- *Planning Tariff and/or Community Infrastructure Levy SPD*

Since that time, the Council has endorsed the Kent Design Guide as Supplementary Guidance. The absence of a higher tier policy "hook" until

the Core Strategy is adopted delays the production of SPDs for Access for Disabled People and Interim Planning Tariff. Officers are investigating the potential for cross-county/district working to produce the former document as a technical supplement to the Kent Design Guide, to facilitate its endorsement by the Borough Council as Supplementary Guidance. The Planning Tariff SPD must wait for the Core Strategy.

The detail for the Maidstone Urban Extension was originally planned to be published in an SPD. However, it is now proposed to plan in detail for this area through an Area Action Plan (AAP), which offers the opportunity to fine tune the boundary of the growth area following more detailed assessments and consultation.

The LDS programme therefore comprises:

	Commence	Adopt
Core Strategy DPD	July 2009	December 2011
Gypsy & Traveller Pitch Allocations	July 2009	July 2011
Town Centre Regeneration AAP	May 2011	April 2013
Maidstone Urban extension AAP	May 2011	July 2013
Land Allocations DPD	June 2013	August 2015

The production of a Gypsy and Traveller Pitch Allocations DPD in advance of the Core Strategy is supported in principle by GOSE, but it must be recognised that there is some risk to its adoption date if an Inspector decides to wait for the Core Strategy Inspector's Report before issuing his/her Report into the Pitch Allocations DPD.

SPDs listed in the LDS are to be prioritised by Members following the adoption of the Core Strategy to secure the policy "hook" necessary for their production:

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

Following Members' adoption of the LDS, it must be submitted to the Secretary of State for approval. The Secretary of State then has 4 weeks to decide whether to issue a Regulation 15(4) Direction to amend the LDS. 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 2009 formally comes into effect on the date of receipt of notification that the Secretary of State will not be issuing a Direction Notice.

The Local Development Document Advisory Group ("LDDAG") met on 25 June 2009 to consider these recommendations and a reference from LDDAG was considered at the meeting of Cabinet. Cabinet accepted the recommendations from LDDAG and these are as set out in Decision Made above.



## **Alternatives considered and why rejected**

The Local Development Framework must contain a Core Strategy and a Proposals Map, and the Council has a duty to maintain an up-to-date Local Development Scheme.

An alternative to adopting the attached LDS is for the Council to confine its programme to the production of a Core Strategy only, but this approach is not recommended. Whilst 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, and the alternative approach would exacerbate a growing policy framework vacuum for the development control process. Furthermore, it would impact on the Council's ability to plan for its growth in a sustainable manner and to meet its housing targets.

## **Background Papers**

*Record of Decision of the Cabinet: Local development Scheme Priorities (8th October 2009)*

[http://www.digitalmaidstone.co.uk/pdf/081008\\_rod\\_cab\\_LDSPriorities.pdf](http://www.digitalmaidstone.co.uk/pdf/081008_rod_cab_LDSPriorities.pdf)

*Local Development Scheme (2007)*

[http://www.digitalmaidstone.co.uk/PDF/070329\\_LDS%20March%202007.pdf](http://www.digitalmaidstone.co.uk/PDF/070329_LDS%20March%202007.pdf)

<p>Should you be concerned about this decision and wish to call it in, please submit a call in form signed by any two Non-Executive Members to the Overview &amp; Scrutiny and Policy Manager by: <b>7 July 2009</b></p>
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