

MAIDSTONE BOROUGH COUNCIL

CABINET

13 MARCH 2013

REPORT OF DIRECTOR OF CHANGE, PLANNING AND THE ENVIRONMENT

Report prepared by Sue Whiteside

1. LOCAL DEVELOPMENT SCHEME 2013-2015

1.1 Issue for Decision

1.1.1 To consider the revision of Maidstone's Local Development Scheme 2013-2015 (attached as Appendix A)

1.2 Recommendation of Director of Change, Planning and the Environment

1.2.1 That Cabinet:

- i. Approves the amalgamation of the Core Strategy Local Plan and the Development Delivery Local Plan, to be called the Maidstone Borough Local Plan;
- ii. Approves the plan period for the Maidstone Borough Local Plan 2011 to 2031; and
- iii. Adopts the Local Development Scheme 2013-2015 (attached at Appendix A) and agrees that the Scheme comes into effect from the date of adoption.

1.3 Reasons for Recommendation

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 detail of higher tier policies. 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.

- 1.3.2 The Council's current scheme was adopted in 2012 and the target date for public consultation on Core Strategy strategic site allocations was successfully met in August/September 2012. However, for the reasons set out in the Cabinet report of 21 November 2012, Cabinet resolved to delay the Core Strategy programme so that officers could undertake further work on the evidence base to ensure the Core Strategy would be found sound at examination. It was agreed to update demographic and economic demand data, to commission a new Strategic Housing Market Assessment (SHMA), and to produce new Strategic Housing and Economic Development Land Availability Assessments (SHLAA and SEDLAA). This additional work delays the Core Strategy programme by 19 months, moving its adoption date from December 2013 to July 2015.
- 1.3.3 The LDS sets out the work programme for two local plans: the Core Strategy and Development Delivery. The timetable for Development Delivery currently leads to its adoption in December 2015, but this plan's timetable will be affected by changes to the Core Strategy programme. Development Delivery would contain policies for the regeneration of the town centre; the identification of borough wide site specific land allocations for new housing, business, retail and infrastructure; designations for protected areas; and development management policies.
- 1.3.4 The delay to the Core Strategy programme therefore offers an opportunity to merge the two documents into one local plan, bringing forward the adoption date of Development Delivery without causing further delay to the Core Strategy timetable. The move towards local authorities preparing a single local plan for their districts is encouraged by the National Planning Policy Framework (NPPF) and new plan making regulations published in 2012. A single local plan would contain all of the policies that have been the subject of public consultations in 2011 and 2012, together with the balance of all land allocations and new policies. Consequently, it is recommended that Cabinet amalgamates the Core Strategy with Development Delivery into a single plan called the Maidstone Borough Local Plan.
- 1.3.5 The Maidstone Borough Local Plan will still be a strategic policy document, so the need for a suite of SPDs to expand or add detail to higher tier policies will remain. The SPD process is quicker than that for local plans because they are not subject to examination, although must be taken through public consultation. Three SPDs have previously been agreed as a priority in the adopted LDS: Parking Standards, Landscape Character Guidelines and Affordable & Local Needs Housing. This list is still relevant, and further SPDs agreed by Members will be added to this list over time.

- 1.3.6 Currently the 20-year plan period for the Core Strategy runs from 2006 to 2026, but almost seven years of this period has passed and the plan will only have 11 years to run from its new adoption date. The NPPF states that local plans must be prepared covering an appropriate timescale, but preferably with a 15-year time frame (from the date of adoption). If Cabinet maintains the current plan period, the examination Inspector will almost certainly direct the Council to undertake an early review of its local plan. The evidence base, which is currently being updated, can take into account an extended plan period. It is therefore recommended that the Maidstone Borough Local Plan period be 2011 to 2031.
- 1.3.7 The LDS has been reviewed to take account of the delay to the plan making programme and the production of a single Maidstone Borough Local Plan. A separate report attached to this agenda¹ explains in detail that the public will be consulted (regulation 18) on new policies and land allocations, together with the former spatial policies affected by amended housing and employment targets, before being amalgamated with the core policies and strategic site allocations that were subject to previous consultations. The merged document will then be published in its entirety for formal public consultation (regulation 19) prior to submission to the Secretary of State for examination. The key dates are set out in the table below.

Stage	Date
Strategic Housing and Economic Development Land Availability Assessments, including Member/stakeholder engagement	February to June 2013
Strategic Housing Market Assessment	March - June 2013
Independent Sustainability Appraisal of sites	June 2013
Formulation of new policies, including Member/stakeholder engagement	March – August 2013
Cabinet approval of new land allocations and new policies for public consultation (Regulation 18)	September 2013
“Preparation” public consultation on new land allocations and new policies (Regulation 18)	October/ November 2013
“Publication” consultation on the Maidstone Borough Local Plan(Regulation 19)	July/August 2014
Cabinet and Council approval of “Submission” of the Maidstone Borough Local Plan (Regulation 22)	November 2014
Independent Examination (estimate) (Regulation 24)	February/March 2015
Adoption (estimate) (Regulation 26)	July 2015

¹ Maidstone Borough Local Plan 2011 to 2031

1.3.8 It is recommended that the amended Local Development Scheme (2013-2015), attached at Appendix A, is adopted and that it comes into effect on the date of adoption.

1.4 Alternative Action and why not Recommended

1.4.1 Cabinet could continue with the production of two local plans for the Core Strategy and Development Delivery, rather than a single Maidstone Borough Local Plan, but there are no advantages to this approach. Cabinet could also retain the current plan period to 2026 but this is not recommended because it would most likely lead to the need for an early review of the Maidstone Borough Local Plan following examination.

1.5 Impact on Corporate Objectives

1.5.1 The Maidstone Borough Local Plan will deliver the spatial objectives of the Sustainable Community Strategy and the Strategic Plan. It will also have regard to objectives set out in other Council documents, such as the Economic Development Strategy and the Housing Strategy.

1.6 Risk Management

1.6.1 The adoption of the Maidstone Borough Local Plan will reduce the risk of inappropriate development, and the allocation of all sites to meet amended housing and employment targets will provide clarity for the development industry, Members, officers and the public. The LDS includes a risk management section, but there are additional risks that could affect the plan making programme.

1.6.2 The end of the NPPF transition period for local plan compliance does present some risk in the light of the delay to the local plan programme. However, the Council will still have a local planning policy framework that comprises adopted development plan documents and supplementary planning documents, endorsed guidance, and saved policies from the Maidstone Borough Wide Local Plan 2000. These policies are still relevant and carry weight in the decision making processes provided there is no conflict with the NPPF.

1.6.3 Local elections in May 2014 may be rescheduled to coincide with the European elections. This would delay the local plan programme by up to 4 weeks, in terms of the timetable for decision making although the time lost might be retrieved in the latter stages of plan production.

1.6.4 The Secretary of State could reject the submitted Maidstone Borough Local Plan or find the document unsound during examination which would affect the plan's adoption date. This risk is mitigated by the

retention of legal and professional services to guide the local plan through its preparation stages, and the preparation of up-to-date robust technical evidence.

1.7 Other Implications

1.7.1

1.	Financial	X
2.	Staffing	X
3.	Legal	X
4.	Equality Impact Needs Assessment	
5.	Environmental/Sustainable Development	
6.	Community Safety	
7.	Human Rights Act	
8.	Procurement	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 Local Development Framework) has been identified through the Council’s medium term financial strategy. The budget will need to be re-profiled to take account of the additional work required to update the evidence base and the preparation of a single local plan. At this stage additional funding is not being sought.

1.7.3 **Staffing:** The programme can be delivered within existing Spatial Policy and Development Management staff resources. Additional staff resources are available from the Housing department to assist with the production of the Affordable and Local Needs Housing supplementary planning document.

1.7.4 **Legal:** Legal services will be retained to offer advice on document content and processes to ensure the Maidstone Borough Local Plan is found sound at examination. These services can be managed within the existing budget for local plan production.

1.7.5 **Procurement:** Although additional evidence base work is being prepared in-house where possible, 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 2013-2015

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?

21 January 2013

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

Wards/Parishes affected: All wards and parishes