

# Strategic Planning, Sustainability and Transport Committee

9 June 2015

Is the final decision on the recommendations in this report to be made at this meeting?

Yes

## Maidstone Borough Local Plan Position Statement

<b>Final Decision-Maker</b>	Strategic Planning, Sustainability and Transport Committee
<b>Lead Director or Head of Service</b>	Rob Jarman, Head of Planning and Development
<b>Lead Officer and Report Author</b>	Sue Whiteside, Spatial Policy Team Leader
<b>Classification</b>	Non-exempt
<b>Wards affected</b>	All Wards

### This report makes the following recommendations to the final decision-maker:

1. That the progress made on the emerging Maidstone Borough Local Plan is noted.
2. That the Committee approves the draft programme for the preparation of the Maidstone Borough Local Plan set out below as an interim measure prior to a review of the Local Development Scheme.

<b>Date</b>	<b>Maidstone Borough Local Plan Progress</b>
June to August 2015	Strategic Planning, Sustainability and Transport Committee consideration and approval of additional policies for Regulation 18 and 19 consultations
September 2015	Focused four week public consultation (Regulation 18) on key local plan policy/site allocation changes
October/November 2015	An informal Committee briefing on the draft Publication version of the local plan
December 2015	Strategic Planning, Sustainability and Transport consideration of the Publication version of the local plan for consultation (Regulation 19) and Submission to the Secretary of State (Regulation 22), followed by full Council approval
January/February 2016	Publication consultation (Regulation 19)
April/May 2016	Submission to the Secretary of State (Regulation 22)

### This report relates to the following corporate priorities:

- Keeping Maidstone Borough an attractive place for all
- Securing a successful economy for Maidstone Borough

<b>Timetable</b>	
<b><i>Meeting</i></b>	<b><i>Date</i></b>
Policy and Resources Committee	N/A
Council	N/A
Other Committee	N/A

# Maidstone Borough Local Plan Position Statement

## 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report is intended to assist Councillors of the Strategic Planning, Sustainability and Transport Committee by briefly outlining the stages of local plan production, and setting out a summary of the progress of the draft Maidstone Borough Local Plan since the close of its public consultation in May 2014.
- 1.2 The report further sets out a draft programme for the local plan, from a series of reports to be considered by this Committee over the following months to full Council approval of the Maidstone Borough Local Plan for Publication and Submission. The programme for the local plan is recommended for approval by the Committee.

---

## 2. INTRODUCTION AND BACKGROUND

- 2.1 Local plans must be positively prepared, justified, effective and consistent with national policy, namely the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG). A local plan is produced in accordance with planning regulations<sup>1</sup>, and there are several key stages a plan passes through from its inception to adoption:
  - Preparation (Regulation 18) is a front-loaded informal stage(s) of public consultation whereby the length and breadth of the consultation should be influenced by the size and complexity of the plan and/or policies.
  - Publication (Regulation 19) should be the document that the local authority considers ready for examination. This plan must be published before it can be submitted for examination together with any representations received during consultation. If the council wishes to amend the local plan following consultation, it must take a step back and re-consult the public under Regulation 18.
  - Submission (Regulation 22) to the Secretary of State for Communities and Local Government for examination.
  - Independent Examination (Regulation 24) presided over by an Independent Planning Inspector.
  - Adoption (Regulation 26).
- 2.2 The development plan for Maidstone comprises a number of local documents: adopted development plan documents (DPD), which are now called local plans; saved policies from the adopted Maidstone Borough-wide Local Plan 2000; and

---

<sup>1</sup> The Town and Country Planning (Local Planning) (England) Regulations 2012

saved policies from the Kent Minerals and Waste Local Plans that are prepared by Kent County Council. The Maidstone Borough Local Plan, once adopted, will supersede adopted DPDs and saved 2000 local plan policies. Neighbourhood plans will also form part of the development plan once “made” (the equivalent of adoption).

- 2.3 Supplementary Planning Documents (SPD) can be prepared in accordance with national planning regulations following the adoption of a local plan. SPDs are not policy making documents but should build upon and provide more detailed advice or guidance on the policies in the local plan. SPDs are not examined but they are subject to public consultation and, once adopted, SPDs are a material consideration in the determination of planning applications. Approved Planning Policy Advice Notes are also a material consideration but the weight afforded to them depends on the level of consultation undertaken during their preparation.
- 2.4 This report is focusing on the progress of the Maidstone Borough Local Plan since public consultation (Regulation 18) was undertaken from 21 March to 7 May 2014. The report also highlights the remaining policies that this Committee will be giving consideration to over the following months, and a draft programme leading to the submission of the local plan is recommended as an interim measure in advance of reviewing the council’s Local Development Scheme (LDS). The LDS is a project plan that sets the timetable for the production of the council’s local plan, and it explains how the council will manage and resource the preparation of documents.
- 2.5 Since public consultation on the draft local plan, the policies have been considered in groups by the former Planning, Transport and Development Overview & Scrutiny Committee and Cabinet. Table 1 below lists the Cabinet decisions for policy groups that have been considered to date. Most of the draft policies and land allocations, some amended as a result of consultation, will be included in the Publication version of the local plan for Regulation 19 consultation. Where key policy and land allocation changes have arisen, such policies will be subject to a 4-week focused public consultation in order to complete Regulation 18 stage of the local plan preparation process in advance of Publication.

Topics	PTD OSC	Cabinet	Outcome
Strategic Housing Market Assessment update	19 August 2014	10 September 2014	For the plan period 2011 to 2031, approval of an updated objectively assessed housing need of 18,600 dwellings, and 960 additional care homes places.
Development management and infrastructure delivery policies (excluding transport	16 December 2014	14 January 2015	Approval of policy amendments for Regulation 19 consultation, following the

<b>Topics</b>	<b>PTD OSC</b>	<b>Cabinet</b>	<b>Outcome</b>
and affordable housing)			consideration of representations received during public consultation.
Care Homes policy	16 December 2014	14 January 2015	Approval of a new care homes policy for Regulation 18 consultation.
New and amended housing site allocations	20 and 28 January, and 2 March 2015 call-in	2 and 4 February, and 9 March 2015	Following the consideration of representations on housing sites received during public consultation, approval of amendments for Regulation 19, and deletions/additions for Regulation 18 consultations.

Table 1: Cabinet decisions relating to the Maidstone Borough Local Plan

- 2.6 There are some outstanding policies that have not yet been considered by Councillors for a number of reasons, including the need to prepare additional evidence to respond to representations in full; a review of sites to provide for Gypsy and Traveller accommodation; the completion of further transport modelling; and a restructure of the spatial elements of the local plan to strengthen the policies. The following topics are proposed to be presented to this Committee for consideration.

9 June 2015

- Strategic Housing Market Assessment update (report attached to this agenda)
- Housing sites update (report attached to this agenda)

14 July 2015

- Retail and mixed use site allocations
- Landscape and Open Space – policies and site allocations
- Affordable Housing policy
- Maidstone Monitoring Report

August 2015 (date subject to Committee agreement)

- Gypsy & Traveller site allocations
- Employment site allocations
- Future Broad Locations (Policy H3: Town Centre, Maidstone Barracks and Lenham)
- Transport policies (subject to completion of transport modelling and draft Integrated Transport Strategy)

- 2.7 The spatial policies of the local plan will be reviewed as part of the consideration of the plan as a whole, prior to Publication.
- 2.8 It is crucial that the local plan is underpinned by a robust evidence base in order to support a sound plan at examination. Independent Examination is a costly stage of the local plan process, and a number of plans have been found unsound or suspended due to an inadequate evidence base. An analysis of unsound local plans is set out in the housing sites update report elsewhere on this agenda.
- 2.9 Since the consultation on the draft Maidstone Borough Local Plan closed in May 2014, further evidence has been (and continues to be) prepared to respond to representations and to support policies and land allocations.
- The Strategic Housing Market Assessment (SHMA) was updated to reflect the release of new national sub-national population projections and to assess the need for care homes; and the SHMA has been reviewed again following the publication of new household projections released by the Department for Communities and Local Government;
  - A further Call for Sites ran alongside the local plan consultation in 2014, and a full assessment of potential residential sites was completed on the same basis as sites included in the Strategic Housing Land Availability Assessment (SHLAA);
  - Further site assessments are underway to respond to a need for additional Gypsy and Traveller accommodation;
  - The Landscape Capacity Study - Sensitivity Study was commissioned to provide an additional layer of qualitative assessment such as broad landscape character sensitivity and visual sensitivity;
  - A detailed Landscape Capacity Study was completed for individual draft site allocations where the public had raised concerns about the impact of development on the landscape;
  - The council's Agricultural Land Classification Surveys have been supplemented for specific site allocations where objections were raised on the grounds of loss of best and most versatile agricultural land quality;
  - A Maidstone Qualitative Employment Site Assessment report was commissioned to assess the current employment land within the borough and make recommendations as to its future suitability for accommodating economic growth;
  - Further viability work has been undertaken (and is almost complete) to enable the council to respond to comments received on the affordable housing policy; and
  - Work on the Green and Blue Infrastructure Strategy has progressed with the completion of telephone surveys and stakeholder workshops; and draft open space standards and strategic open space allocations are nearing completion.
- 2.10 Concerns have been raised by Councillors, Parish Councils, local plan consultees, and resident groups about the provision of infrastructure for residential development allocated in the draft local plan and its relationship with existing infrastructure issues, primarily in the rural service centres. Through both planning processes, i.e. the allocation of sites in local plans and the

determination of planning applications, mitigation measures are sought in order to ensure no detriment to current problems in the delivery of development, but the planning processes cannot seek to mitigate existing infrastructure deficiencies. It is important not to allow existing issues that need to be addressed separately to impede the progress of the local plan if possible. To respond to these concerns, four Task and Finish Groups have been established to focus on existing infrastructure issues within the borough, seeking multi-agency action to address problems surrounding transport, health, education, and waste water/sewerage/flooding. These Groups meet, as required, to address existing problems and potential future issues as they arise. The progress and results of the Task and Finish Group meetings will be shared with local ward Councillors and Parish Councils and through stakeholder engagement events in liaison with, for example, Southern Water as it develops its Drainage Action Plans for the villages.

2.11 In between the formal consultation stages of a local plan's preparation, it is important to continue engagement with stakeholders:

- During autumn 2014 officers engaged with Parish Councils, residents' groups and other local groups through a series of liaison meetings to discuss the outcomes of the Regulation 18 public consultation on the draft Maidstone Borough Local Plan together with the new sites submitted through the 2014 Call for Sites exercise. Twenty-five individual meetings were held to discuss pertinent local issues. Generally these meetings were well received and provided useful information for all parties involved.
- Officers have also held a number of meetings with the Maidstone Committee of the Kent Association of Local Councils, and gave a commitment to evaluate its critique around the calculation of housing demand, including undertaking an independent review.
- Officers regularly give advice and guidance about the preparation of neighbourhood plans to Parish Councils and the Neighbourhood Forum. Twenty-one meetings have taken place since the close of the local plan consultation in May 2014, to help steer neighbourhood plans through the formal plan making process.
- There is continuous engagement with the development industry through correspondence, workshops and pre-applications discussions, to update site information and to ensure the provisions of adopted and emerging policies are met.

2.12 The "duty to cooperate" places a legal duty on local planning authorities and public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of local plan preparation in the context of strategic cross boundary matters. It is not a duty to agree, but there is an increasing expectation that every effort should be made to secure agreement. Local planning authorities must demonstrate how they have complied with the duty at the independent examination of their local plans, through the preparation of a compliance statement that accompanies the plan at submission stage. Officers are continuing to engage with neighbouring councils of Ashford, Tonbridge & Malling, Swale, Medway and Tunbridge Wells over strategic issues. Regular meetings are held with Kent County Council to discuss strategic highways, education and health matters in the context of future development proposals (in

addition to the Task and Finish Groups that are addressing existing infrastructure issues). The channels of communication with other infrastructure providers are also kept open to ensure the Infrastructure Delivery Plan is kept up-to-date.

- 2.13 For a local plan to be found sound at examination, the supporting evidence base must be robust and able to stand up to scrutiny, and the council must be able to demonstrate it has met the duty to cooperate. The reasons underpinning the failure of other local plans at examination assist in giving an understanding of the expectations of Inspectors, and officers will continue to monitor the Inspectors' reports. Additionally, officers have met with the Planning Inspectorate at various stages of local plan production to seek advice, and the process undertaken for the preparation of the local plan has been reviewed by the Planning Advisory Service, most recently in February 2015. Support from such organisations and feedback from the reviews are invaluable in increasing confidence in the draft plan, and giving an understanding of any vulnerable areas and potential mitigating actions that might be needed.
- 2.14 In order to progress the production of the Maidstone Borough Local Plan, a draft programme for the Committee's consideration is set out below (Table 2).

Date	Maidstone Borough Local Plan Progress
June to August 2015	Strategic Planning, Sustainability and Transport Committee consideration and approval of additional policies for Regulation 18 and 19 consultations
September 2015	Focused four week public consultation (Regulation 18) on key local plan policy/site allocation changes
October/November 2015	An informal Committee briefing on the draft Publication version of the local plan
December 2015	Strategic Planning, Sustainability and Transport consideration of the Publication version of the local plan for consultation (Regulation 19) and Submission to the Secretary of State (Regulation 22), followed by full Council approval
January/February 2016	Publication consultation (Regulation 19)
April/May 2016	Submission to the Secretary of State (Regulation 22)

Table 2: Maidstone Borough Local Plan programme to Submission stage

- 2.15 The average time local plans are proceeding from submission through examination to adoption is approximately one year, provided the plan is not suspended for further evidence to be completed. The above programme would therefore lead to an adoption date for the local plan of spring 2017.
- 2.16 There are a number of uncertainties associated with the programme, not least around the council's ability to meet its objectively assessed housing need and the completion of transport modelling to support the draft Integrated Transport Strategy and the transport policies of the local plan. The mitigation of risks to the timetable will become clearer by the August meeting of this Committee (provided a meeting in August is agreed). Subsequently, a review of the Local Development Scheme (LDS) will be presented to the Committee, setting out the programme for the production of the Maidstone Borough Local Plan and for the making of neighbourhood plans where known. Meanwhile, the Committee is



recommended to agree the draft programme for the local plan set out in Table 2 above.

### **Planning, Transport and Development Overview & Scrutiny Committee 21 April 2015**

- 2.17 On 21 April 2015, the Planning, Transport and Development Overview & Scrutiny Committee recommended that the Strategic Planning, Sustainability and Transport Committee receive the SCRAIP report from the meeting:

*“(1) That Maidstone Borough Council re-assesses the appropriate use of land in the Maidstone built up area while recognising the serious lack of natural and semi-natural open space in this area of Maidstone.*

*(2) Maidstone Borough Council Officers, as soon after the elections in May 2015 as possible, arrange a meeting at the Invicta Barrack site with MOD Officials and Councillors to assess and establish the area required to provide natural and semi-natural open space on the site and where suitable areas are for development on the site.”*

- 2.18 The council has undertaken two ‘calls for sites’ since 2013 and has allocated or is proposing to allocate a number of sites on previously developed land (PDL) in the Maidstone built-up area as a result. Clearly, sites can only be allocated if the council is satisfied that they are available and deliverable and this is largely measured by the sites that are proposed and come forward. The council has a proven record of development on PDL within the urban area but, as Councillors will be aware, the supply of such sites is ultimately finite and limited, and over time the supply of suitable viable and deliverable sites will diminish. Open space provision is programmed for this Committee’s July agenda.
- 2.19 Contact has been made with MOD Estates with a view to setting up a site meeting at Invicta Park as soon as possible. Councillors will be updated on progress at the meeting on the 9 June. A full report on draft local plan policy H3 regarding future broad locations for housing growth (including Invicta Barracks) is programmed to be presented to the Committee in August (date subject to Committee agreement).

---

## **3. AVAILABLE OPTIONS**

- 3.1 The Planning and Compulsory Purchase Act 2004 (as amended) requires councils to prepare and maintain their Local Development Schemes (LDS), setting out a rolling three year programme of work to deliver local planning policy documents. There have been considerable changes to Maidstone’s LDS since it came into effect on 13 March 2013, and the reasons for those changes should be explained together with the publication of a revised programme for the Maidstone Borough Local Plan. The “do nothing option” would not meet the council’s duty to maintain an up-to-date Scheme.
- 3.2 A second option would be to review the LDS now, but this could result in the requirement for a further update of the Scheme following a number of outstanding matters that have still to be resolved, in particular the council’s

ability (or otherwise) to meet its objectively assessed housing need, the completion of Regulation 18 consultation, and the completion of transport modelling to support an updated Integrated Transport Strategy and the transport policies of the local plan.

- 3.3 A third option is to resolve outstanding local plan matters before the review of the LDS is undertaken, which has an advantage of establishing a more robust programme for the preparation of the local plan. As an interim measure this report recommends the approval of a draft timetable to Submission stage of the local plan, which can be placed on the local plan webpage and easily updated until such time as the review of the LDS is undertaken.

---

#### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 This report is primarily a progress report on the draft Maidstone Borough Local Plan but there are options in respect of a review of the Local Development Scheme, which is the programme of work for the local plan. It is recommended that the review of the Scheme is deferred until such time as the local plan matters discussed in this report are resolved and, in the meantime that a draft timetable be approved for publication on the local plan webpage.

---

#### **5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 5.1 Formal public consultation on the Maidstone Borough Local Plan (Regulation 18) closed on 7 May 2014. Since then, engagement and consultation with stakeholders has continued on an informal basis. Formal and informal consultation feedback has assisted the decision making process in respect of recommended amendments to local plan policies and site allocations. Once this process is complete, further public consultation on key policy and site changes to the local plan (Regulation 18) is expected to take place in September 2015, prior to the approval of the Maidstone Borough Local Plan for Publication (Regulation 19) and Submission (Regulation 22). A Consultation Statement, explaining how the consultation stages of the local plan have helped to develop the plan, is required to support the local plan at submission stage.

---

#### **6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 6.1 Subject to Committee approval of the draft programme for the Maidstone Borough Local Plan, the timetable will be uploaded to the local plan webpage as an interim measure prior to a review of the Local Development Scheme.
-

## 7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	The adoption of the local plan will assist in the delivery of the council's corporate priorities.	Rob Jarman, Head of Planning & Development
<b>Risk Management</b>	Key risks to the local plan programme relate to the council's ability to meet its objectively assessed housing need and the completion of transport modelling to support the draft Integrated Transport Strategy (ITS) and the transport policies of the local plan. Two reports attached to this agenda present an update to the SHMA and a review of the council's housing land supply, which identify the risks to not meeting objectively assessed need. The transport modelling results are managed by KCC, and officers are pursuing a timely completion of the modelling together with the publication of a non-technical summary.	Rob Jarman, Head of Planning & Development
<b>Financial</b>	The development of the Local Plan has been fully funded as part of the council's revenue budget. The total spend from 2006/07 to 2014/15 is £1.8 m. At 31 March 2015, the budget has a balance of £353,480. The base budget for the next 3 years is £60k p.a. plus one-off funding of £480k from New Homes Bonus. The budget does not account for any additional costs arising from the risk that the local plan is found unsound or withdrawn, which would include the preparation of additional evidence, further consultations, and re-examination. This would need to be found from the council's revenue budget which already has a target to deliver £2.2 m savings in 2016/17 – 2018/19. The council will need to demonstrate financial rigour in terms of decisions that will incur avoidable unbudgeted expenditure.	Zena Cooke, S151 Officer & Ellie Dunnett, Finance
<b>Staffing</b>	During June a replacement Principal Planning Officer will join the Spatial Policy team but a Planning Officer is leaving. An advert has been placed to recruit a replacement Planning Officer together with a new Principal Planning Officer, which is a newly created post to build resilience into the team to ensure the	Rob Jarman, Head of Planning & Development

<b>Issue</b>	<b>Implications</b>	<b>Sign-off</b>
	local plan and related work/documents are delivered promptly and in accordance with a revised Local Development Scheme.	
<b>Legal</b>	There are no legal implications directly arising from this report, although the Legal Team continues to provide advice and guidance on local plan matters, and to review any legal implications of reports.	Legal Team
<b>Equality Impact Needs Assessment</b>	N/A	Anna Collier, Policy & Information Manager
<b>Environmental/Sustainable Development</b>	N/A	Rob Jarman, Head of Planning & Development
<b>Community Safety</b>	N/A	Rob Jarman, Head of Planning & Development
<b>Human Rights Act</b>	N/A	Rob Jarman, Head of Planning & Development
<b>Procurement</b>	Consultants are used to prepare specialist or technical evidence to support the local plan and are appointed in accordance with the council's procurement procedures.	Rob Jarman, Head of Planning & Development, & Zena Cooke Section 151 Officer
<b>Asset Management</b>	N/A	Rob Jarman, Head of Planning & Development

## 8. REPORT APPENDICES

None

---

## 9. BACKGROUND PAPERS

None