

# Strategic Planning, Sustainability and Transportation Committee

13 January 2016

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

No

## Maidstone Borough Local Plan – Publication (Regulation 19)

<b>Final Decision-Maker</b>	Council
<b>Lead Director or Head of Service</b>	Rob Jarman, Head of Planning and Development
<b>Lead Officer and Report Author</b>	Rob Jarman, Head of Planning and Development, and Sue Whiteside, Principal Planning Officer
<b>Classification</b>	Non-exempt
<b>Wards affected</b>	All wards

### **A. That the Strategic Planning, Sustainability and Transportation Committee:**

1. Approves the re-classification of Coxheath as a rural service centre in the local plan settlement hierarchy.
2. Agrees the officer responses to the balance of representations on the draft Maidstone Borough Local Plan 2014, attached at Appendix B.

### **B. That the Strategic Planning, Sustainability and Transportation Committee recommends that Council:**

3. Approves the Maidstone Borough Local Plan 2016 (attached at Appendix A) for Publication (Regulation 19<sup>1</sup>) and Submission to the Secretary of State for Communities and Local Government (Regulation 22) for examination under section 20 of the Planning and Compulsory Purchase Act 2004.
4. Grants delegated powers to the Strategic Planning, Sustainability and Transportation Committee to submit a schedule of proposed changes/main modifications to the pre-submission Publication version of the Maidstone Borough Local Plan 2016, arising from representations made (Regulation 20), to the Secretary of State.
5. Confirms the borough's full objectively assessed housing need of 18,560 dwellings as the council's local plan housing target.

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

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

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

- Planning for sufficient homes to meet our Borough's needs
- Promoting a range of employment opportunities and skills required across our Borough
- Securing improvements to the transport infrastructure of our Borough
- Enhancing the appeal of the town centre for everyone
- Respecting the character of our Borough.

**Timetable**

<b><i>Meeting</i></b>	<b><i>Date</i></b>
Strategic Planning, Sustainability and Transportation Committee	13 January 2016
Council	25 January 2016

# Maidstone Borough Local Plan – Publication (Regulation 19)

## 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 This report seeks approval to undertake ‘Publication’ consultation on the Maidstone Borough Local Plan 2016 (Regulation 19<sup>2</sup>), attached at Appendix A, and to submit the plan to the Secretary of State for examination (Regulation 22) under section 20 of the Planning and Compulsory Purchase Act 2004 ("the 2004 Act").
- 1.2 Appendix B contains the balance of issues raised by respondents to the draft Maidstone Borough Local Plan 2014 consultation, most of which have been addressed through the consideration of site allocations and detailed policies together with officer responses.
- 1.3 The report explains how the plan has evolved and, for ease of reference, a schedule attached at Appendix C cross-references amended policy numbers from the 2014 and 2015 consultation documents with the Maidstone Borough Local Plan 2016 (Appendix A), and lists the committee dates where key policy changes have been agreed.
- 1.4 Appendix D is a website link to the draft Maidstone Borough Local Plan Sustainability Appraisal which has informed and shaped the local plan at various stages of plan preparation.
- 1.5 The Maidstone Borough Local Plan 2016 provides for a balance of land uses and makes provision for open space. It provides the policy framework for development management decisions. Importantly, the plan demonstrates that the council can meet its objectively assessed needs for housing, employment and retail. Meeting the objectively assessed need for Gypsy and Traveller accommodation assumes an allowance for unidentified sites; and Officers are in the process of finding out, through duty to cooperate arrangements, if neighbouring local authorities can contribute towards identified needs. The plan is supported by a robust evidence base and sustainability appraisal, and has been reviewed by the Planning Advisory Service and by an independent Planning Inspector (who will not be the person appointed to examine the plan).
- 1.6 Having previously undertaken extensive consultation on the content of the draft local plan, ‘Publication’ (Regulation 19) allows any person to make representations on the ‘Submission’ version of the plan that will be examined by an Inspector appointed by the Secretary of State. Regulation 19 Publication is intended to focus upon the soundness and legal compliance of the plan.
- 1.7 The Integrated Transport Strategy (ITS) and the Infrastructure Delivery Plan (IDP) are the focus of separate reports on this agenda. The ITS and the IDP

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<sup>2</sup> The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

will be available for comment during consultation because they form part of the evidence base behind the local plan.

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## **2. INTRODUCTION AND BACKGROUND**

2.1 The Maidstone Borough Local Plan (2011-2031) is the key document that sets the framework to guide the future development of the borough. It plans for homes, jobs, shopping, leisure and the environment, as well as the associated infrastructure to support new development. It explains the 'why, what, where, when and how' development will be delivered through a strategy that plans for growth and regeneration whilst at the same time protects and enhances the borough's natural and built assets.

### **The local plan process**

2.2 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, and there are several key stages a plan passes through from its inception to adoption:

- Preparation (Regulation 18) is a front-loaded informal and flexible stage(s) of public consultation.
- Publication (Regulation 19) should be the document that the local authority considers ready for examination.
- Representations (Regulation 20) may be made by any person on the Publication version of the local plan
- Submission (Regulation 22) to the Secretary of State for Communities and Local Government for examination under section 20 of the 2004 Act.
- Independent Examination (Regulation 24) carried out by an independent Planning Inspector appointed by the Secretary of State.
- Adoption (Regulation 26).

The process may also include proposed changes to the pre-submission Publication version of the local plan which, if proposed, must be submitted with the local plan; and post-submission modifications which will be subject to further public consultation during the examination of the local plan.

2.3 In addition to numerous meetings (at least 60 in the past 18 months) with a range of infrastructure providers, parish councils and other bodies, the council has undertaken extensive consultation with the public and stakeholders on the content of the local plan under Regulation 18 (or previous equivalent provisions):

- Core Strategy 2011
- Core Strategy Strategic Site Allocations 2012
- Maidstone Borough Local Plan 2014
- Maidstone Borough Local Plan (partial) 2015.

The reason for such prolonged consultation was due to a number of factors, predominantly the need to prepare the evidence to demonstrate if the council could meet its full objectively assessed needs; but also the evolution of a 'high-level' strategic core strategy into a comprehensive local plan that incorporates detailed site allocations and policies for development management, and changes in national policy that had (and continue to have) implications for local plan policies.

## Consideration of consultation responses

- 2.4 The representations made during the 2011 and 2012 public consultations informed the preparation of the 2014 local plan. The comments received on the 2014 and 2015 public consultations, together with potential development sites which were submitted through responses to 'calls for sites', have been considered through a series of meetings of the Strategic Planning, Sustainability and Transportation Committee (and the former Planning, Transport and Development Overview & Scrutiny Committee and Cabinet) as set out below.

Topics	Cabinet	SPS&T	Outcome
Strategic Housing Market Assessment update	10.09.14		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 and affordable housing)	14.01.15		Approval of policy amendments for Regulation 19 consultation, following the consideration of representations received during Regulation 18 public consultation (2014).
Care Homes policy	14.01.15		Following the consideration of new evidence, approval of a new care homes policy for Regulation 18 consultation (October 2015).
New and amended housing site allocations	02.02.15/ 04.02.15 & 09.03.15		Following the consideration of representations on housing sites received during Regulation 18 public consultation (2014), approval of amendments for Regulation 19, and deletions/additions for Regulation 18 consultations.
Strategic Housing Market Assessment update		09.06.15	For the plan period 2011 to 2031, approval of an updated objectively assessed housing need of 18,560 dwellings, and 980 additional care homes places (following publication of updated CLG household projections in February 2015).
Housing sites update		09.06.15	Agreement to revisit previously rejected housing sites in the context of meeting objectively assessed housing need in accordance with the NPPF, with the exception of H1(25) Tongs Meadow; H1(60) Fant Farm; and H1(48) Heath Road, Boughton Monchelsea.
Open space and recreation (new policy ref DM22)		18.08.15/ 19.08.15	Approval of amendments for Regulation 18 consultation (October 2015), including new open space standards, following publication of additional evidence.
Landscapes of Local Value (new policy ref SP17)		18.08.15/ 19.08.15 &	Following the consideration of representations received during Regulation 18 public consultation (2014), approval of amendments to

Topics	Cabinet	SPS&T	Outcome
		08.09.15; referral to P&R 23.09.15	the Countryside policy focusing on refinement of boundaries for landscapes of local value, and inclusion of the Low Weald as a landscape of local value for further Regulation 18 consultation (October 2015).
Affordable housing (new policy DM13)		14.07.15/ 23.07.15 & 18.08.15/ 19.08.15	Following the consideration of representations received during Regulation 18 public consultation (2014) and additional evidence, approval of amendments to the affordable housing policy for Regulation 19 consultation.
Retail and mixed use allocations (new policy RMX1)		18.08.15/ 19.08.15	Following the consideration of representations received during Regulation 18 public consultation (2014), approval of amendments to retail and mixed use policies for Regulation 19 consultation.
Reconsideration of previously rejected housing sites (new policy H1)		18.08.15/ 19.08.15 & 08.09.15	Reconsideration of previously rejected housing sites in the context of meeting objectively assessed housing need in accordance with the NPPF. Approval of amendments to a number of site allocation policies for Regulation 19 consultation; and deletions/ additions/ amendments to a number of site allocation policies for further Regulation 18 consultation (October 2015).
Future locations for housing growth (new policy H2)		18.08.15/ 19.08.15	Following the consideration of representations received during Regulation 18 public consultation (2014), approval of amendments to policies for broad locations for housing growth for Regulation 19 consultation.
Results of VISUM Transport modelling			The results of the transport modelling and the implications for the preparation of the Integrated Transport Strategy were noted. It was agreed that further work on the development of transport policies in the local plan would be required.
Employment land allocations (new policy EMP1)		18.08.15/ 19.08.15	Following the consideration of representations received during Regulation 18 public consultation (2014) and additional evidence, approval of amendments to the employment land policies for Regulation 19 consultation; and approval of further Regulation 18 consultation (October 2015) for the proposed allocation of land at Woodcut Farm (junction 8 of the M20 motorway) for employment.
Gypsy and Traveller site allocations (new policy GT1)		18.08.15/ 19.08.15	Following the consideration of representations received during Regulation 18 public consultation (2014) and the 2014 call for sites, approval of amendments to policies for Regulation 19 consultation; and approval of further Regulation 18 consultation (October 2015) for proposed new sites.
Transport policies (new policies DM24 to DM26)		08.09.15	Following the consideration of representations received during Regulation 18 public consultation (2014) and additional evidence, approval of amendments to policies for Regulation 19 consultation; and approval of further Regulation 18 consultation (October 2015) for deleted park and ride sites.
Consideration of		14.12.15	Following the consideration of representations

Topics	Cabinet	SPS&T	Outcome
responses to the October 2015 Regulation 18 public consultation on selected matters			received on a selected suite of policies during Regulation 18 public consultation (October 2015), approval of amendments to policies for inclusion in Regulation 19 consultation.

- 2.5 The consequential amendments have been incorporated into the Maidstone Borough Local Plan 2016 (attached at Appendix A). Account has also been taken of changes to national planning policy and practice guidance that impact on the policies of the local plan, to the council's evolving evidence base, to the Infrastructure Delivery Plan, and to emerging strategies such as the Integrated Transport Strategy, the Green and Blue Infrastructure Strategy and the Housing Strategy.
- 2.6 The balance of issues raised by respondents to the consultation on the Maidstone Borough Local Plan in 2014 relate to the spatial strategy and settlement policies. The vast majority of these issues have been addressed through the consideration of site allocations and the more detailed policies of the local plan by the Committee and former Cabinet (as set out in the table above) but, for completeness, they are listed with officer responses in Appendix B. The Committee is recommended to agree the responses at Appendix B.

### **Further Amendments to the Maidstone Borough Local Plan**

- 2.7 The structure of the local plan has been improved by moving site allocations that were previously appended to the plan into policy boxes that now follow each topic policy for housing, broad locations, Gypsy and Traveller accommodation, retail and mixed use, and employment. The general topic policies for residential development (H1, H2 and GT1) contain criteria that apply across site allocations within each category, and the allocations are cross-referenced thus negating the need for repetitive policy criteria. The local plan Policies Map is an ordnance survey based map showing the detailed boundaries of where adopted policies apply and is available on the local plan webpage. However, for ease of reference, individual site location plans have been reproduced as a supplementary appendix to the Maidstone Borough Local Plan 2016. Settlement boundaries on the Policies Map will be amended to incorporate built development of allocated sites.
- 2.8 A schedule that cross-references amended local plan policy numbers, together with references to committee dates where policy changes have been agreed, is attached at Appendix C. The schedule also highlights key amendments that have been made as a result of factual updates, national policy changes, advice from the Planning Advisory Service or Planning Inspector, and where additional explanation or further clarity of an issue or policy is required.
- 2.9 The spatial strategy has been updated to reflect agreed full objectively assessed needs. A comprehensive examination of the borough's constraints has been completed, to ensure protection of the best of Maidstone's urban and rural heritage. All potential development sites were subject to a site visit and a detailed appraisal which considered the impact that development would have on

the landscape, ecology, ancient woodland, heritage, archaeology, and the loss of best and most versatile agricultural land. Development proposals will be supported by new infrastructure. The council can meet its objectively assessed needs for housing, employment and retail. Meeting the objectively assessed need for Gypsy and Traveller accommodation assumes an allowance for unidentified sites; and Officers are in the process of finding out, through duty to cooperate arrangements, if neighbouring local authorities can contribute towards identified needs. By meeting its objectively assessed housing need in full, the council has reduced the risks associated with reliance on other local authorities to contribute towards Maidstone's identified housing need.

- 2.10 For clarity, further explanation of the borough's settlement hierarchy which governs the spatial distribution of development is included in the local plan (supporting text to policy SS1 Spatial Strategy). The County town of Maidstone is the most sustainable location for new development because it offers a range of higher order services and facilities and it provides the best range of transport options in the borough. Rural service centres are the next most sustainable locations because they provide a good range of services which serve both the village and the surrounding hinterland. Services generally include a nursery and primary school, a range of shops, a doctor's surgery, a place of worship, a public house, restaurant and community hall as well as open space provision. All have a range of local employment opportunities and good public transport access. Larger villages have fewer services than rural services but can provide for day-to-day needs of local communities and can accommodate a limited amount of housing development.
- 2.11 Coxheath village, currently classified as a larger village, fulfils the role of a rural service centre. The village has two pre-schools and a primary school and, although there is no secondary school within the village boundary, Cornwallis Academy is located 10 minutes away by bus. Community facilities include a church, library and village hall. Coxheath is the strongest performing village in terms of health care services. Leisure facilities comprise a recreation ground with equipped play area, football pitches and a Scout hut. The village has a variety of convenience and comparison shops, restaurants and a post office. Whilst Coxheath does not have a railway station, it has a regular bus service and good access to town centre employment and facilities. Approximately 500 dwellings and 43 care home bedspaces, together with supporting infrastructure and open space, are proposed at Coxheath. Given the size of the village and its range of everyday services and good transport links, together with the proximity of the village to Maidstone town (6 to 7km), it is recommended that Coxheath be re-classified as a rural service centre.
- 2.12 The local plan contains new spatial policies for each of the strategic locations where housing growth has been comprehensively planned: north-west and south-east of the urban area, rural service centres and larger villages (policies SP2, SP3, SP6 to SP11, and SP13 to SP16). These policies do not introduce new requirements in themselves, but collate the requirements of proposals throughout the plan in one place to add clarity for the reader. The local plan now contains inset plans for each strategic location and settlement.



- 2.13 There are no proposed changes to the identification and allocation of individual sites over and above those previously agreed by the Committee. However, dwelling yield and policy criteria have been updated in some instances to take account of recent planning permissions and signed legal agreements, and to reflect minor amendments to the IDP. Of particular importance is the incorporation of the results of detailed modelling that demonstrates the improvements that can be made to the existing highway network at specific locations that have been identified as being potentially sensitive to future traffic flow changes as a result of new development. The approved strategic and local infrastructure requirements at key junctions and locations are set out in the site allocation policies of the local plan, further detail being included in the IDP and the ITS.
- 2.14 Development management policies (policies DM1 to DM44) follow the spatial strategy, spatial policies and site allocation policies in the document. Supplementary planning documents (SPD) should expand on local plan policies or add greater detail. The Kent Parking Standards have been approved by the council as an interim measure for development management purposes until such time as an SPD can be prepared. A new policy for Parking Standards (policy DM27) has been included in the local plan which sets criteria against which planning applications should be considered and which act as the 'hook' for the preparation of a more detailed SPD that will ultimately supersede the Kent parking standards. Similarly, policy DM22 for Open Space and Recreation, which previously signposted an SPD to establish qualitative open space standards, has been amended to include criteria as the 'hook' (i.e. the policy basis) for a more detailed SPD.
- 2.15 Custom and self-build housing is housing built or commissioned by individuals or associations of individuals for their own occupation, and national policy and guidance directs local planning authorities to take account of such housing need in their areas when planning for a mix of dwellings. To introduce greater flexibility into the plan, and to reflect the council's support for such schemes, policy DM11 Housing Mix has been amended to encourage the consideration of custom and self-build plots as part of large development schemes.
- 2.16 The Government is adopting a new approach for the setting of "national technical standards" for new housing, which will comprise additional optional Building Regulations on water and access, together with a new national space standard. These are intended to complement the existing mandatory set of Building Regulations. References to Codes for Sustainable Homes have therefore been removed from the local plan and policies DM2 Sustainable Design and DM7 External Lighting have been amended accordingly.
- 2.17 There are a number of provisions in the Housing and Planning Bill 2015 which could have an impact on certain policies in the local plan. Officers will keep a watching brief on proceedings and respond promptly to any policy amendments that may arise once the Bill is given Royal Assent. Of particular note is the intention to place a duty on local planning authorities to require a proportion of "starter homes" on all reasonably-sized sites. Starter homes (sold at 20% below the market price to first-time buyers) are recognised as a form of affordable housing but are not subject to the same obligations. The Bill also

seeks to make permanent temporary permitted development rights which have enabled offices to be converted to new homes without having to apply for planning permission. The local plan highlights these points and, once the Bill is enacted, appropriate policy amendments can be incorporated into the list of modifications to the local plan, as may be necessary.

2.18 Plan making is an iterative and continuous process. As a consequence of the adoption date of the local plan moving to 2017, the review of the local plan will now commence in 2022. It is best practice to undertake a review of a local plan as a whole approximately five years after its adoption date, to ensure that the policies of the plan are not only being delivered but also remain flexible enough to respond to changes in national policy and market conditions. Meanwhile, the council has a responsibility to ensure its evidence base is kept up-to-date, and to monitor key policies of the local plan annually through monitoring reports. Such annual and five-yearly reviews can trigger a partial amendment to a local plan or result in a wholesale revision to the plan.

### **Publication (Regulation 19) and Submission (Regulation 22)**

2.19 Having considered the views of the public and other bodies on the content of the local plan, the next step is the Publication of the proposed Submission version of the local plan, when the consultation stage (Regulation 19), to allow representations to be made as to whether the local plan has been prepared in accordance with legal requirements and whether it meets the tests of soundness:

- ***“Positively prepared*** – *the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;*
- ***Justified*** – *the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;*
- ***Effective*** – *the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and*
- ***Consistent with national policy*** – *the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.”* (NPPF, paragraph 182)

2.20 Legal requirements include the include the plan’s preparation in accordance with planning regulations, the council’s adopted Statement of Community Involvement and Local Development Scheme, compliance with the Duty to Cooperate, and the preparation of a Sustainability Appraisal which assists in developing the policies and proposals of the local plan.

2.21 To this end, Legal Services were retained to advise on aspects of the plan, and the plan has been reviewed by the Planning Advisory Service, and an independent Planning Inspector (who will not be appointed to examine the plan). Although the reviews cannot guarantee a sound plan at examination, the

advice received has helped to improve the robustness of the plan.

- 2.22 Following Publication (Regulation 19), representations may be made over a six-week period. Thereafter the council must consider the representations made and prepare a report that summarises the key issues arising from representations made which, together with copies of the representations made, must be submitted to the Secretary of State with the local plan (Regulation 22). Unlike previous consultations on the preparation of the local plan (Regulation 18), the primary purpose of Publication (Regulation 19) is to provide interested persons with an opportunity to make representations (Regulation 20) on the legal compliance and soundness of the local plan, which will inform the examination of the submitted local plan. The Inspector appointed by the Secretary of State to examine the local plan must consider the representations made (Regulation 23) and determine which matters and issues raised in those Representations should be considered at the examination hearings. Any person who makes representations seeking to change a development plan document must (if s/he so requests) be given the opportunity to appear before and be heard by the person carrying out the examination
- 2.23 As the purpose of the Publication (Regulation 19) is to allow representations to be made on the version of the local plan which the Council intends to submit to the Secretary of State, the Council should consider the pre-submission version of the local plan, which it considers to be legally compliant and sound and therefore ready for examination. However, before submitting the local plan to the Secretary of State, the council must consider duly made representations (Regulation 20) in response to which the council may consider it necessary or appropriate to propose modifications to the Publication version of the local plan. These may be minor or main modifications. Main modifications are those changes to the submitted local plan which are necessary to make it sound and legally compliant. Any changes proposed by the council that are not necessary for that purpose can be made without the need for approval by the Inspector.
- 2.24 Usually, the local authority prepares a schedule of proposed modifications to meet the concerns of objectors, which is submitted with the local plan, and the Inspector considers whether they are main modifications. The schedule is updated as the examination progresses with the final version being submitted to the Inspector following the completion of examination hearings. The Inspector then approves the list of main modifications which are published for a period six weeks to allow representations to be made. The Inspector will decide whether the representations raise any new issues which require additional hearings to be convened, although usually they do not. The Inspector's final report will identify the main modifications considered necessary to recommend adoption of the submitted local plan.
- 2.25 It is recommended that the Strategic Planning, Sustainability and Transportation Committee be granted delegated powers to prepare a schedule of proposed changes to the Publication version of the local plan for submission to the Secretary of State with the local plan. If such modifications are of a significance or magnitude that requires additional public consultation, those changes will be referred to Council for approval to undertake a second public consultation

(Regulation 19) before submission.

- 2.26 At submission, the local plan will be supported by a number of other documents that are in preparation, including a statement setting out how the consultations have shaped the local plan, a Duty to Cooperate compliance statement, and various topic papers that give background detail on the development of policies. Topic papers are technical documents which summarise the evidence to explain the council's position on various important and/or contentious matters and issues for the benefit of the Inspector appointed to examine the plan. (They are not policy statements).
- 2.27 The IDP and the ITS are the subject of separate reports on the agenda. These documents are not governed by the same plan making regulations that steer the preparation of the Maidstone Borough Local Plan but they support the local plan and form part of its evidence base. Highway and sustainable transport improvements that are necessary to mitigate the impacts of development allocations are included in the ITS. The IDP contains detailed information on the timing and funding of all types of infrastructure necessary to support development, including highway and transport schemes. Both documents will be made available for comment during consultation on the local plan.

### **The housing target, housing land supply and the housing trajectory**

- 2.28 The housing trajectory shows past and projected annual dwelling completions against an agreed objectively assessed housing need of 18,560 dwellings. It demonstrates how the target will be met by forecasting the delivery rate of sites allocated in the local plan year by year over the 20-year plan period 2011 to 2031. The trajectory includes sites completed since the base date of the local plan, extant planning permissions, local plan allocations and broad locations, and an allowance for windfalls.
- 2.29 The 5-year housing land supply calculation has a very different purpose. At an annual 'snapshot' at 1 April, the council must demonstrate that it has five years' worth of deliverable housing sites and that these dwellings will be built during that time. Deliverable sites should be available now, offer a suitable location for development now, be achievable with a realistic prospect that housing will be delivered on site within five years, and be viable (NPPF paragraph 47). The 5-year calculation takes account of completed dwellings since 2011, extant permissions that will be delivered in full or in part over the following five years, and local plan allocations that have a good prospect of being delivered in full or in part over the next five years. The calculation is rolled forward one year each April following the annual housing land survey, when completions and extant permission are updated and a further year's target and land supply are included. Maintenance of a 5-year supply demonstrates the timely delivery of housing land, strengthening the council's position to resist unacceptable development, and highlights when additional land may need to be brought forward to address any shortfall.
- 2.30 As at 30 November 2015, the council can demonstrate an adequate supply of land to provide for 18,481 dwellings against an objectively assessed need for the borough of 18,560 dwellings. Although a shortfall remains, the need is

expected to be met through permissions granted on unidentified sites between 1 December 2015 and 31 March 2016. The figures use a base date snapshot of 1 April 2015, which is when annual surveys are updated in full, but the table below also recognises the dwelling contribution from sites that have been granted planning permission between 1 April and 30 November 2015 and sites that have been approved subject to S106 agreements.

Meeting objectively assessed housing need	Dwellings	Dwellings
Objectively assessed housing need		18,560
Completed dwellings 1 April 2011 to 31 March 2015	2,341	
Planning permissions (including subject to S106) 1 April 2015 to 30.11.15	2,907	
Local plan allocated housing sites	8,707	
Local plan broad locations for housing development	3,500	
Windfall sites (2022 to 2031)	1,026	
Total 20-year housing land supply		18,481

- 2.31 The council has successfully identified mechanisms to deliver 99.5% of its objectively assessed need over the local plan period and is expected to fully deliver development that meets need (in accordance with the requirements of the NPPF) by the time the local plan is submitted to the Secretary of State for examination. Equally important is the phasing of development set out in the housing trajectory, which is undertaken in consultation with housebuilders and monitored annually to ensure the council maintains a rolling five-year supply of deliverable housing sites.
- 2.32 For the past four years 1 April 2011 to 31 March 2015, the council has not met its annual need of 928 dwellings (the shortfall totals 1,371 dwellings). The NPPG is clear that local planning authorities should aim to deal with any undersupply within the first five years of the plan period where possible. For Maidstone to deliver its previous shortfall in the five years between 1 April 2015 and 31 March 2020 in addition to its annual requirement of 928 dwellings would result in an unrealistic annual target that is highly unlikely to be met on the ground. The council is addressing the challenging step change from its past average annual delivery rate of around 640 dwellings (over 12 years 2003/2015) to meeting objectively assessed need of 928 dwellings per annum. It would be more realistic to spread the shortfall over the remaining years of the plan.
- 2.33 The council will set out its case for spreading the shortfall arising from the delivery of housing land since the base date of the local plan (2011/2015) over the remaining years of the plan to 2031 in greater detail in a housing topic paper that will accompany the local plan at submission stage, known as the Housing Implementation Strategy. The Housing Implementation Strategy will also update the housing trajectory to a snapshot base date of 1 April 2016 following the annual monitoring and survey of sites.
- 2.34 This approach will also have a positive effect on the calculation of five-year housing land supply. The council must demonstrate at examination that it has a five-year supply of deliverable housing sites as at 1 April 2016. The council will then be in a much stronger position to resist unacceptable development

proposals. An updated five year housing land supply table will be included in the Housing Implementation Strategy.

- 2.35 The forecasting of housing land supply is not an exact science. Much of the dwelling yield from allocated sites is indicative, and the final numbers contributing towards the council's supply are confirmed through completions. Inevitably, there will be some sites that are allocated or have planning permission that will not come forward, and equally new permissions will be granted for previously unidentified sustainable sites (such as urban brownfield sites). The rates of development delivery are dependent on the strength of the housing market, and the council is also, to some extent, relying on the delivery of broad locations and windfall sites in meeting its needs.
- 2.36 During the preparation of the local plan, the council has adopted a positive approach to planning in the borough and 43% of the housing allocations have been granted planning permission or have been permitted subject to S106 agreements. Construction has begun on a number of large sites. Masterplanning for the broad locations for housing growth will be critical, although potential redevelopment opportunities in the town centre have already been identified (e.g. office conversions, Baltic Wharf and Granada House for example); a site visit to Invicta Park Barracks with local ward Councillors has taken place to complete an initial assessment of the site's capacity; and potential development sites within the defined broad location for Lenham have been submitted through the Strategic Housing Land Availability Assessment process. This places the council in a strong position to demonstrate, through the Housing Implementation Strategy, how the various elements of housing land supply will be delivered.
- 2.37 It is therefore recommended that the borough's full objectively assessed housing need of 18,560 dwellings be confirmed as the council's housing target in the local plan. The allocation of sustainable development sites (with mitigation and supporting infrastructure) and broad locations for housing growth in the Maidstone Borough Local Plan significantly help to deliver this target. The small shortfall of 79 units is expected to be met through permissions granted on unidentified sites between 1 December 2015 and 31 March 2016.

### **Sustainability Appraisal**

- 2.38 The sustainability appraisal of individual policies and site allocations, together with the plan as a whole, has helped to inform and shape the Maidstone Borough Local Plan. The sustainability appraisal will be published with the local plan, and the draft appraisal will be available on the council's website at <http://www.maidstone.gov.uk/residents/planning/local-plan/evidence>
- 2.39 An updated Habitat Regulation Assessment (HRA), which is required to assess the likely impacts of local plan policies on the integrity of internationally important nature sites, has concluded that the scale of intended growth in the local plan would not result in a likely significant effect on the North Downs Woodlands Special Area of Conservation. The HRA will also be published with the local plan, and will be available on the council's website at <http://www.maidstone.gov.uk/residents/planning/local-plan/evidence>

## **Next steps**

- 2.40 The public consultation on the Maidstone Borough Local Plan (Regulation 19) is programmed to commence on 5 February and run for six weeks to 18 March 2016. Following consultation, the plan together with the representations and supporting documentation will be submitted to the Secretary of State for examination (Regulation 22). Any modifications will be approved by the Committee and submitted with the local plan, provided the modifications are not of a magnitude that would require the plan to be re-presented to Council for approval to undertake re-consultation (Regulation 19) before submission. Submission is programmed for May 2016 in accordance with the council's adopted Local Development Scheme (December 2015).
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## **3. AVAILABLE OPTIONS**

- 3.1 Option 1A: Recommend to Council that the Maidstone Borough Local Plan 2016 be approved for Publication (Regulation 19) and Submission (Regulation 22). This option should be selected if the local plan is considered legally compliant and sound.
- 3.2 Option 1B: Reject the Maidstone Borough Local Plan 2016 for Publication (Regulation 19) and submission (Regulation 22). This option should be selected if the local plan is not considered legally compliant and sound.
- 3.3 Option 2A: Recommend to Council that the Strategic Planning, Sustainability and Transportation Committee be granted delegated powers to submit the Maidstone Borough Local Plan 2016 (Regulation 22) with a schedule of proposed changes (amounting to main modifications) arising from Representations (Regulation 20) made in response to Publication (Regulation 19).
- 3.4 Option 2B: Recommend to Council that any proposed main modifications to the Maidstone Borough Local Plan 2016 are considered by Council before the local plan is submitted.
- 3.5 Option 3A: Recommend to Council that the borough's full objectively assessed housing need of 18,560 dwellings be confirmed as the council's local plan housing target.
- 3.6 Option 3B: Recommend to Council that the borough's full objectively assessed housing need of 18,560 dwellings be not confirmed as the council's local plan housing target.
- 3.7 Option 4A: That Coxheath be reclassified as a rural service centre in accordance with the local plan settlement hierarchy.
- 3.8 Option 4B: That Coxheath remains classified as a larger village.
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- 3.9 Option 5A: That the officer responses to the balance of representations on the draft Maidstone Borough Local Plan 2014 are agreed (Appendix B).
- 3.10 Option 5B: That the officer responses to the balance of representations on the draft Maidstone Borough Local Plan 2014 are not agreed (Appendix B).
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#### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 Option 1A is recommended. The local plan has been underpinned by a robust evidence base and approved in stages by the Strategic Planning, Sustainability and Transportation Committee (and formerly by the Overview & Scrutiny Committee and Cabinet). The Committee has cross-party membership, and the views of visiting Councillors have been taken into account at meetings. The Maidstone Borough Local Plan is considered to be legally compliant and sound and ready to be examined. Regulation 19 Publication will commence in February in accordance with the council's adopted Local Development Scheme. It is proposed the Committee recommends that Council approves the Maidstone Borough Local Plan 2016 for Publication (Regulation 19) and Submission (Regulation 22).
- 4.2 Option 2A is recommended. Granting delegated powers to the Strategic Planning, Sustainability and Transportation Committee to submit the Maidstone Borough Local Plan to the Secretary of State with a schedule of proposed changes that may arise from representations (Regulation 20) will ensure the local plan programme is maintained and the submission target is met in accordance with the council's adopted Local Development Scheme. It is the role of the Committee to oversee the local plan and to give consideration to its detail. It is proposed the Committee recommends that Council grants delegated powers to the Strategic Planning, Sustainability and Transportation Committee to submit the Maidstone Borough Local Plan 2016 (Regulation 22) with a schedule of proposed changes/main modifications that arising from Publication (Regulation 19) and the Representations (Regulation 20).
- 4.3 Option 3A is recommended. The allocation of sustainable development sites and broad locations in the local plan, together with mitigation and supporting infrastructure, assist in delivering the borough's full objectively assessed housing need of 18,560 dwellings. It is proposed the Committee recommends that Council confirms the local plan housing target as 18,560 dwellings.
- 4.4 Option 4A is recommended. Given the size of the village and its range of everyday services and good transport links, together with the proximity of the village to Maidstone town, the Committee is recommended to re-classify Coxheath as a rural service centre.
- 4.5 Option 5A is recommended. To complete the process of giving consideration to the representations (Regulation 20) made in response the Publication (Regulation 19) version of the local plan, it is recommended that the Committee agrees the officer responses to the balance of representations on the draft Maidstone Borough Local Plan 2014 (Appendix B).



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## 5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 Responses to the Maidstone Borough Local Plan public consultations (Regulation 18) during 2014 and 2015 and Committee decisions have helped to shape the plan.
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## 6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 Following approval of the Maidstone Borough Local Plan for Publication (Regulation 19), the plan will be published on the council's website, a public notice will be placed with local newspapers and, in addition to the statutory consultees, everyone on the local plan database will be informed of the commencement of the consultation and advised how to respond.
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## 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.	Head of Planning and Development
<b>Risk Management</b>	The adoption of the Maidstone Borough Local Plan will reduce the risk of inappropriate development.	Head of Planning and Development
<b>Financial</b>	The development of the Local Plan has been fully funded as part of the council's revenue budget.	[Section 151 Officer & Finance Team]
<b>Staffing</b>	The team is fully staffed and additional short-term resources have been employed to assist with preparation for Publication and Submission.	Head of Planning and Development
<b>Legal</b>	Advice has been provided in relation to the soundness tests of local plans and the procedures to be followed by local authorities.	Team Leader (Planning), Mid Kent Legal Services
<b>Equality Impact Needs Assessment</b>	There is no longer a statutory duty to prepare an EqIA for local plans but the EqIA attached at Appendix E has been completed in order to meet the best practice requirements of the council. All individuals and communities have been engaged in the consultation process in accordance with the equalities legislation and the council's Corporate Equality Policy, and consultation has been undertaken in accordance with the council's adopted Statement of Community Involvement.	Policy & Information Manager

<b>Environmental/ Sustainable Development</b>	The Local Plan is fundamentally concerned with delivering sustainable development objectives.	Head of Planning and Development
<b>Community Safety</b>	N/A	Head of Planning and Development
<b>Human Rights Act</b>	N/A	Head of Planning and 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.	Head of Planning and Development & Section 151 Officer
<b>Asset Management</b>	N/A	Head of Planning and Development

## 8. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix A: Maidstone Borough Local Plan – Publication (Regulation 19) February 2016
- Appendix B: Balance of issues raised by respondents to the Maidstone Borough Local Plan 2014 consultation and officer responses
- Appendix C: Schedule of amended policy numbers and cross-references to committee dates.
- Appendix D: Sustainability Appraisal and Habitat Regulation Assessment 2015 <http://www.maidstone.gov.uk/residents/planning/local-plan/evidence>
- Appendix E: Equality Impact Assessment

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## 9. BACKGROUND PAPERS

None.