

MAIDSTONE BOROUGH COUNCIL

CABINET

10TH AUGUST 2011

REPORT OF DIRECTOR OF CHANGE, PLANNING AND THE ENVIRONMENT

**Report prepared by Flo Churchill, Interim Head of Core Strategy
Development**

1. Core Strategy Regulation 25 Consultation

1.1 Issue for Decision

1.1.1 To agree for consultation purposes a draft Core Strategy that identifies the pattern of the spatial distribution of development across the borough to guide development until 2026.

1.2 Recommendation of Director of Change, Planning and the Environment

1.2.1 It is recommended that

- a) Cabinet approves the draft Core Strategy for public consultation under Regulation 25 of the Planning Regulations (included as Appendix A);
- b) Cabinet gives delegated authority to the Director of Change, Planning and The Environment in consultation with the Leader to make any necessary changes to the Draft Core Strategy to ensure that it is fit for purpose as a consultation draft prior to publication; AND
- c) Cabinet gives delegated authority to the Director of Change, Planning and The Environment in consultation with the Leader to agree the Appendices to the Core Strategy, and that they be published alongside the Core Strategy Regulation 25 consultation draft.

1.2.2 Reasons for Recommendation

1.2.3 It is vital that the Council sets out a long term spatial vision for the borough that enables the objectives in the Sustainable Community Strategy for the borough to be delivered.

1.2.4 This initial phase of consultation (Regulation 25 Consultation) will enable the Council to obtain feedback from the public, local businesses and interested parties. This consultation is not

mandatory but will provide the greatest opportunity for interested parties to comment on the proposals. A further phase of formal consultation is scheduled for the beginning of 2012 but given the guidelines there will only be limited scope to make any changes at that stage.

1.2.5 The consultation is taking place against a backdrop of changes in planning policy at a national and regional level, particularly aligned to the Localism Bill. However, the Council needs to be proactive in moving forward rather than wait for any further prescription or guidelines which may or may not arrive.. This is a risk but given the timetable leading up to a Public Inquiry there is still some flexibility to adjust should external factors change significantly.

1.2.6 The current draft is in general conformity with the Regional strategy

1.2.7 Many factors have been considered in producing the attached draft Core Strategy, the attached document sets out a starting position on a possible optimum picture for the borough by 2026. The Core Strategy will be delivered over the period up to 2026. It is important to remember that Planning Policy Statement 12 provides guidance that the plan should be operational for 15 years from the date of adoption and therefore the Core Strategy will be subject to an early review.

1.2.8 There are already a number of development schemes in the pipeline to which the Core Strategy will not apply although the impact of the draft Core Strategy will increase in weight as it progresses through the system towards adoption.

1.3 **Introduction and Background**

1.3.1 The Core Strategy sets out the long-term spatial vision for the borough, the spatial objectives and the strategic policies to deliver that vision. This is the key compulsory Local Development Document within planning law. Every other Local Development Document will be built on the principles that are contained within the Core Strategy, particularly regarding the development and use of land within the borough. The Council has taken an evidence based approach in developing the attached document and the Core Strategy is accompanied by a number of appendices (listed below), some of which comprise technical information and others comprise background evidence to support the strategy as expressed:

1. South East Plan policies
2. Draft Infrastructure Delivery Plan

3. Policy Evolution
4. Sustainable Community Strategy Matrix
5. Saved Policies
6. Superseded Policies and Documents
7. Delivery of Spatial Objectives
8. Glossary
9. Sustainability Appraisal
10. Equalities Impact Assessment
11. Housing Trajectory

1.3.2 The attached document has been prepared for public consultation; it is proposed that this consultation should commence on the 2 September 2011. The outline consultation programme was presented to and considered and supported by and agreed by the Leisure and Prosperity Overview and Scrutiny Committee and the Local Development Document Advisory Group in February 2011, although it is recognised that some of the dates have changed.

1.3.4 This covering report highlights some of the key points that are contained within the comprehensive consultation document.

1.3.5 **The Evidence Base**

1.3.6 A large amount of background information forms the 'Evidence Base' for the Core Strategy. A robust and defensible evidence base is critical to the Core Strategy being found 'Sound' by the Planning Inspector who will be appointed to carry out the examination into the Core Strategy. This evidence has been drawn from across the Council with further studies carried out by external parties. Members have also seen various parts of the Core Strategy Evidence Base as these documents have emerged and several internal workshops have been held as part of the evolution of the Core Strategy document. The Evidence Base is constantly evolving and will comprise documents that fall into categories of historic, current and emerging. The Evidence Base is available on the Maidstone Borough Council Website and can be found at:

www.maidstone.gov.uk/environment_and_planning/planning/local_development_framework/evidence_base.aspx

1.3.7 New documents will be added to the Evidence Base in the run up to the inquiry into the Core Strategy which is expected to be held during the autumn of 2012.

1.3.8 **Local Development Scheme**

1.3.9 The timetable for the production of the Core Strategy and other Development Plan Documents (DPD) is known as the Local Development Scheme (LDS). On 8th June 2011 Cabinet agreed the shape of the Local Development Framework and what documents would comprise the LDF. In summary the LDF will comprise:

- Core Strategy DPD
- Development Delivery DPD to include site allocations and development management policies
- Central Maidstone Area Action Plan
- Affordable Housing Supplementary Planning Document (SPD)
- Landscape Character Assessment Guidelines SPD
- Parking Standards SPD

1.3.10 A further report will be coming to Cabinet in October 2011 that will outline the proposed timetable to allow for the above documents to be produced. There is no longer any requirement for the LDS (Timetable) to be approved by Government Office for the South East (GOSE) but there is still a requirement to send the LDS to the Department for Communities and Local Government (CLG) for approval.

1.3.11 The LDF is a complicated set of documents, many of which will be interrelated and it is currently anticipated that the Core Strategy is likely to be adopted in spring 2013 with the Development Delivery Document following on as soon as possible after this.

1.4 **Main Issues**

1.4.1 Abandonment of Option 7C

1.4.1.1 The draft Core Strategy Development Plan Document (DPD) sets out the proposed spatial vision and strategy for the distribution of development across the borough up to 2026. It has set out a housing target and a target for the provision of land for employment purposes and has demonstrated how this target may

be met. The Core Strategy as now proposed has abandoned the previously endorsed approach of a Strategic Development Area (known as Option 7C) to accommodate 5,000 dwellings. This was abandoned for a number of reasons relating to the viability of development and the required infrastructure, and the ability to deliver the required number of dwellings within the plan period. There were also substantial objections from the environment lobby concerned about the impact on the environment in the proposed location. Regardless of the fact that it is now considered inappropriate to pursue the development of an SDA, the Core Strategy does contain a reference to 7C and allows for representations to be received and considered on its deletion.

1.4.2 General Conformity with the Regional Spatial Strategy

1.4.2.1 The Core Strategy and in particular the level of housing provision must be and is considered to be in 'general conformity' with the South East Plan. The draft Core Strategy allows for the provision of 10,080 dwellings, a level that is within 9.03% of the South East Plan figure. It is important to note that the regulations do not require 'absolute' conformity and that the use of the phrase 'general' should indicate a degree of flexibility in how this is interpreted. It is also important to note that the Kent Planning Officers Group (KPOG) Housing Forecast Sub Group are in the process of producing a document that looks at housing figure across the whole of Kent that currently indicates that if all the figures from all the boroughs are combined then Kent will produce a level of housing that is some 6,200 dwellings in excess of the requirement in the South East Plan. By the time the Core Strategy reaches the point of public examination it is likely that the South East Plan will have been abolished but as the law stands at the moment the Core Strategy cannot refer to the potential abolition of the RSS. There is a risk that a challenge will be made that the consultation draft is not in general conformity with the south-east plan and this could lead to delay, but it is considered that this risk is acceptable.

1.4.3 Gypsy and Traveller Accommodation

1.4.3.1 The draft Core Strategy also sets a level of provision for Gypsy and Traveller accommodation of 71 pitches up to 2016 but it is likely that this figure will be changed due to the revised Gypsy and Traveller Accommodation Assessment (GTAA) that is currently being commissioned. It is expected that a revised figure for the provision of pitches will be available before the end of 2011. The Core Strategy makes no specific site allocations for gypsy and traveller accommodation as this is a function of the Development

Delivery DPD. The provision of a public gypsy and traveller site is being pursued outwith the LDF process as the need to provide such a facility is felt to be a matter of extreme urgency.

1.4.4 Employment Land

1.4.4.1 The distribution of land for employment has been expressed in broad terms. Whilst members were presented with a proposed employment distribution at Cabinet on 9th February 2011 this was not accepted and officers were instructed to revisit the proposals to see if any alternative solutions were available.

1.4.4.2 Following on from the Cabinet meeting on 9th February and after receipt of the revised Employment Land Review (ELR) it was considered that there is a need to provide for some 17 ha of employment land. The proposed distribution strategy echoes that adopted for housing following a dispersed pattern. However in the case of employment land this approach would not be sufficient to meet the total requirement. There is, therefore, a need for a strategic location for employment development. Following consideration by officers of all known and available land it was resolved that this was best placed in the vicinity of Junction 8 of the M20. The quantum, design, access, bulk and massing of any development at Junction 8 will be guided by a Development Brief. Development at Junction 8 will be expected to accommodate in the order of 11 ha of employment related development including warehousing and other industrial and employment uses. It is also considered appropriate and sustainable to allow for development at Junction 7 that is specifically related to the new clinic and medical services.

1.5 Tests of Soundness

1.5.1 The Core Strategy has been drafted to ensure that it is consistent with national policy. This is one of the tests of 'Soundness' that an Inspector will apply. To be sound a Core Strategy must be "Justified, effective and consistent with national policy." Consideration of whether the Core Strategy meets these tests is also contained in the results of the Self Assessment Toolkit which will also be published alongside the Draft Core Strategy.

1.6 Public Participation

1.6.1 Consultation at this stage in the Core Strategy process is voluntary due to changes in the regulations governing the production of Development Plan Documents. However, the decision was taken to

undergo informal public participation at this stage to inform the development of the Core Strategy and to ensure that the community at large have had every opportunity to shape how the Core Strategy has been formed.

- 1.6.2 Work has been carried out to develop a consultation strategy that will encompass best practice and will allow for the widest possible dissemination of important Core Strategy messages to all elements of the local community. A report was taken to the 21st February joint meeting of the Local Development Document Advisory Group and the Leisure and Prosperity Overview and Scrutiny Committee that outlined the general proposals for consultation. This report will be considered at the Local Development Document Task and Finish Scrutiny Panel at a meeting on the 3 August 2011 and any recommendations to the Cabinet will be presented as an update at the Cabinet meeting on 10th August.

1.7 Conclusions

- 1.7.1 The Core Strategy has now reached the stage where it is considered appropriate to seek public participation. Representations that are made as part of this process will be reported to Cabinet and the implications of the representations will be considered by the officers of the Spatial Policy team assisted by officers in other parts of the Council including Development Management, Economic Development, Environmental Health, Parks and Leisure and Housing amongst others.
- 1.7.2 Legal advice has been sought from Stephen Hockman QC to ensure that any potential risks to the Core Strategy being found unsound have been minimised.
- 1.7.3 Following the completion of this stage of public participation officers will prepare a revised version of the Core Strategy that will be put before an Inspector appointed by the Government to determine if the Core Strategy is sound. Cabinet and Task and Finish Panel will be fully engaged in the process of helping to shape the Core Strategy as it progresses towards submission to the Secretary of State and will be kept up to date with changes in legislation before they impact on the Core Strategy. Prior to submission to the Secretary of State a final report will be brought to a full meeting of the Council.
- 1.7.4 The Core Strategy is a fundamental part of the way in which the borough will develop in the period up to 2026. It will also form an important part of the bedrock for the development of Neighbourhood Plans due to be introduced as a result of the

Localism Bill. A sound Core Strategy will also enable the Council to defend decisions made about applications for development and will help protect the Council's wishes to be proactive about achieving economic prosperity and dealing with the impact of the potential presumption in favour of development that may also result from the enactment of the Localism Bill.

1.8 Alternative Action and why not recommended

- 1.8.1 The housing target and employment land targets in the Core Strategy have been tested against alternatives in a variety of weighted exercises and compared through the Sustainability Appraisal that accompanies the Core Strategy. The draft Core Strategy now before Cabinet meets the Council's strategic objectives.
- 1.8.2 Cabinet could propose an alternative strategy to that promulgated by officers but this would lead to considerable delay. However, there may be some changes that might be required to the Core Strategy and its integral spatial distribution strategy as a result of the public participation that is being recommended.
- 1.8.3 It is also considered necessary to delegate responsibility to the Director of Planning, Change and The Environment in consultation with the Leader to make minor changes to the documents to allow for documents to be updated and factually corrected before publishing them for consultation. If this were not to happen the publication of the documents would face considerable delay which in turn would impact on the ability of the draft Core Strategy to meet the timetable proposed for its production.
- 1.8.4 Consultation at this stage is considered an informal but necessary part of the process in ensuring that at Core Strategy is produced that has had all possible exposure to being shaped by the wider community of the Maidstone Borough Council area. If this Regulation 25 stage were not pursued then there is a danger that any draft Core Strategy proposed would not have been exposed to the necessary opportunities to be changed as a result of that consultation and that as a result would have been subject to considerable change at Regulation 27 the formal consultation stage. In turn this again would lead to considerable delay in adopting a Core Strategy.

1.9 Impact on Corporate Objectives

1.9.1 The development of the Core Strategy has expressly considered the impact on corporate objectives and this is best illustrated by the Sustainability Appraisal. It is likely that the future plans of a number of service areas will be influenced by the Core Strategy as well as developer interest in the borough. It is considered that the Core Strategy will aid the Council in working towards achieving a growing economy for the borough, achieving decent places to live and allowing for corporate and customer excellence to shine through the service delivered to the community at large. It is acknowledged that the Council's current strategic objectives may not cover the entirety of Core Strategy Plan period up to 2026

1.10 Risk Management

1.10.1 Risks to the Core Strategy are generally associated with meeting the tests of soundness and these have been highlighted in this report
1.10.2 Currently the biggest risk is around the issue of conformity with the South East Plan. As the Core Strategy stands at the present moment it proposes a level of housing that has been previously endorsed by members as appropriate and sustainable for Maidstone. This level of housing, 10,080 dwellings is some 9% below the level in the South East Plan of 11,080 but is still considered to be in 'general' conformity with the South East Plan. There is a risk that an Inspector (or the courts if challenge is made) will take an alternative view if the South East Plan has not been abolished by the time that the Core Strategy reaches public examination but it is considered that this risk is acceptable.

1.10.3 There is also a risk that the public will not consider that the Core Strategy meets the required tests of soundness. Objections to the Core Strategy may be specifically concerned with either or both of the housing distribution and the employment distribution. Officers will endeavour to keep members updated on any potential risks in this area.

1.10.4 The Localism Bill is likely to impact on the latter stages of the Core Strategy process. The Council will need to keep a strong watching brief on changes to legislation and policy including national planning policy framework and it is considered appropriate to keep Counsel on a retained basis to ensure that all risks are appropriately considered. It is likely that expectations of the wider community in regard to how the Localism Bill will impact on the Core Strategy will have to be appropriately managed to ensure that expectations are not unrealistically raised about what the Core Strategy and any new Neighbourhood Plans may achieve.

1.10.5 Financial

- 1.10.5.1 A dedicated budget has been identified to undertake the work relating to the development of the Core Strategy for 2011/12. Additional funding will be required for subsequent years to complete the Core Strategy and other local development documents.
- 1.10.6 Legal
- 1.10.7 A range of internal and external legal advice has been obtained in the development of the Core Strategy and this advice will continue to be sought throughout the development of the document.
- 1.10.8 Sustainability
- 1.10.9 There are a range of sustainability measures that have been included in the analysis to date and a specific Sustainability Appraisal has also been undertaken.