Planning Peer Challenge

Maidstone Borough Council

27 – 29 March 2012

Report

1. Background and scope of the peer challenge

This report is a summary of the findings of a planning peer challenge organised by the Local Government Association in cooperation with the Planning Advisory Service and carried out by its trained peers. Peer challenges are managed and delivered by the sector for the sector. They are improvement oriented and are tailored to meet individual councils' needs. Indeed they are designed to complement and add value to a council's own performance and improvement focus.

The five themes of focus for the planning peer challenge are:

- Clarity and locally distinctive vision and leadership for the planning service
- Community leadership and engaging with the community
- Management arrangements for the service
- Partnership working both internally and externally
- Achieving outcomes

In particular, the council wanted the challenge team to consider and comment upon:

- The council has a priority for Maidstone to have a growing economy. The peer challenge should consider if planning is fully effective in supporting economic growth.

- The council also has a priority for Maidstone to be a decent place to live in terms of its environment and provision of housing. There are pressures for available development land and on green field space. There is a balance needed for economic growth with sustainable development and the peer challenge will comment on this.

- The main focus should be the execution of planning policy and development management and whether this works in synergy with economic development, housing and other aspects of regeneration.

- To consider and comment on opportunities to improve performance and gain efficiencies:

  - To include learning from other authorities who are achieving good/innovative practice

  - Maidstone wishes to be viewed as an 'Open for business' authority – what does this really mean, and to what extent can it be classified as such? How could the council/service do things differently to become more 'Business Friendly'?

- To identify and learn from best practice work elsewhere when different models of service delivery offer opportunities for outsourcing, partnering, and other ways of working to: increase income, achieve greater value for money and/or achieve service/corporate objectives.

Peers were:

- Councillor Andrew Proctor, Leader of Broadland District Council
- Peter Crofts - former Corporate Director, Braintree District Council
- Julian Jackson, Central Lancashire LDF Co-ordinator (Chorley, Preston and South Ribble)
- Andrew Winfield, Peer Challenge Manager, Local Government Association

The LGA is making a significant investment in planning peer challenge delivery and is keen to see that councils follow-up this work.

After a planning peer challenge report is made available to a council the following support is available from the LGA:

- The LGA's Peer Support Team and PAS will offer the council a no cost Action Planning day to take place about a month after the report is finalised. The day will be structured to meet the council's requirements and will involve some members of the peer challenge team. The purpose will be to work with the council to take the report recommendations and to prioritise these into a project plan that includes: resources required, outcome to be achieved, milestones and timelines, project leads, monitoring arrangements and evaluation.
- A range of additional planning support – much of this at no cost – is available from the Planning Advisory Service http://www.pas.gov.uk/pas/core/page.do?pageId=1
- Follow-up advice through Marianne Abley, Principal Adviser, LGA on further support that the planning service and the council might require
- A range of other support from the LGA – some of this might be at no cost, some might be subsidised and some might be fully charged http://www.local.gov.uk/

The LGA is keen to ensure that the investment it makes in planning peer challenges has a positive and beneficial impact. With this in mind the LGA might ask to meet with the council 6-12 months after the peer challenge to make an assessment of: the peer challenge recommendations; how the council acted on these; and what beneficial impact came from this.

The team appreciates the welcome and hospitality provided by Maidstone Borough Council and would like to thank everybody that they met during the process for their time and contributions.

2. Executive summary and recommendations

Maidstone is the county town for Kent and is the largest employment centre in the county. The council is keen to manage growth so that most residents will be able to work in rather than travelling out of the borough, while maintaining the qualities of the area that are important for residents. A growing economy and ensuring Maidstone is a decent place to live are priorities one and two for the council.

The Maidstone urban area was designated a growth point in 2006 with receipt of £6M of Government funding over the interim period (the Kent Thames Gateway is a growth area). However, growth and competition for growth is evident with the high speed rail links at Ashford and Ebbsfleet. The challenge for Maidstone is to sustain growth, in the face of competition across the county, and to retain those aspects that make the area unique. Maidstone was the top destination for business in the 2010 study of destinations for business for Kent and came 8th in the UK in the Halifax quality of life survey in 2011. This provides a good platform to build on.

The council recognises the importance of spatial planning in delivering key corporate priorities, with this clearly set out in its Strategic Plan. However, it has been held back in establishing a clear spatial vision for Maidstone by the delays in bringing forward the Core Strategy. This has meant that the council has had to refer to an extant but out date Local Plan – adopted in 2000.

The council is making good progress in working towards achieving its housing numbers set out in the emerging Core Strategy, including substantial delivery of affordable housing in urban and rural areas. The council has also made good progress in working towards meeting the accommodation needs of the borough's high Gypsy and Traveller population, with the updated Gypsy and Traveller Accommodation Assessment (GTAA) completed and HCA funding acquired. However, the council will need to make some difficult decisions at the point of consideration of potential sites.

The relationship with Parish Councils and developers needs to be worked on. The former will be particularly important to work with on rural affordable housing and employment, for the consideration of sites for future development and also to begin discussions and work on Neighbourhood Planning. The latter are important for dialogue on council priorities, the emerging Core Strategy and how the planning service can improve their understanding of developers' requirements. The council recognises the importance of this relationship and of the "need to give developers certainty…" so that the council can be seen to be 'open for business'.

The planning service is performing well but will experience significant demands on it over the next 18 months. First there is the recent integration of enforcement, spatial policy, landscape design, conservation and business support within Development Management (DM) to form a unified service. This will require management time to continue the work of integrating these functions. Second there is the demand to complete the Core Strategy for submission – the adoption date of March 2013 is already slipping - and to ensure that the evidence base for this is up-to-date and robust. Third is the work that needs to commence now on identifying potential sites for development and engage with developers and Parish

Councils to work with the council on this. These areas will demand time and present potential risks which the council will need to manage.

To support the planning service at Maidstone Borough Council to improve further, the peer challenge team has made the following recommendations. These are:

R1:   Every effort should be made to ensure that the Core Strategy is made ready for submission by late 2012. It is essential that this work is conducted in tandem on the allocation of sites so that the council can deliver its priorities through the implementation of a spatial vision for the borough.

R2: The planning service should undertake a review of its evidence base and keep it up to date to ensure that this is complete and robust to support the submission of the Core Strategy. This should include taking full account of the recently published National Planning Policy Framework.

R3: Work on the local implementation of the Community Infrastructure Levy (CIL) should be prioritised so that it is ready to follow the adoption of the Core Strategy and should also be modelled on the council's requirements.

R4:   Member involvement in the development of the Core Strategy needs to be much sharper to make a better use of Member resources and to expedite decision making.

R5:   The emerging Core Strategy should feature as a potential strategic risk on the council's Risk Register and an assessment made of the impact of not achieving the timetable of March 2013, which is already at risk. The Corporate Leadership Team and Cabinet should monitor the progress in completing the work on the Core Strategy and CIL.

R6: The review of the Economic Development Strategy should be prioritised so that it is working in alignment with both the Core Strategy on preferred options and the Development Management process.

R7: Tough decisions in progressing corporate priorities, and acting on the emerging Core Strategy to support delivery of some of these priorities, will be required. It is recommended that council officers and Members try to anticipate these and develop strategies for gaining consensus.

R8: Evaluate options for smaller development at Junction 8 of the M20. This could be for logistics or other use and should be progressed so as to take account and respond to community concerns and to send a message to developers that the council is 'open for business' pending finalisation of the Core Strategy.

R9: The council is recommended to ask Parish Councils what engagement they feel would be beneficial with this to include:

- developing a council/parish council engagement strategy/compact that sets out a commitment for joint working

- planning training provision and specific areas of interest

- entering into discussions on Neighbourhood Planning, what it is and how it can be supported

- looking at site allocations for future commercial, housing and infrastructure development

- working together on site allocations for Gypsies and Travellers.

R10: The corporate communications resource should be an integral part of the Core Strategy process to present the council's views and approach as well as being able to counter negative comments and perceptions.

R11: Evaluate the operation of the Planning Committee to include: consideration of the cost of referrals from Parish Councils and alternative arrangements; review the length of committee reports with a view to introducing report templates and a prescription on report maximum length; and consideration of closer working between Planning Committee and the Member forum leading on the development of the Core Strategy.

R12: Make arrangements to evaluate the pre-application process over the next two years, with developer involvement, so that the process can be improved by learning from what works well, to inform how fee levels may be set at in the future and by understanding the needs of developers

R13: Develop a policy on rural affordable housing, which should sit alongside a policy on rural employment

R14: Discuss with the Police the use of 'Secured by Design' (SBD), which focuses on crime prevention for new homes and commercial premises, in processing planning applications to be consistent with the draft Core Strategy sustainable design policy.

R15: In responding to this report and recommendations the council is recommended to develop an Action Plan to make an assessment of service priorities, service resources and identify the resources gap. Consideration will then need to be given to how this gap can be bridged.

3. Detailed findings

3.1 Vision and Leadership

Strengths

- "Bold administration" with clear strategic priorities

The political leadership of the council was described as 'bold' and the peer challenge team felt that this was an accurate description. The current administration took control in May 2008 and this was after a lengthy period of no overall control. Clear priorities are set out in the Strategic Plan with 'economic prosperity' the primary council priority. The intention is that Maidstone should have its own sustainable economy and avoid becoming a dormitory borough for commuters. Another key priority of being a 'decent place to live' recognises the type of place Maidstone aspires to be. This plan also clearly sets out the importance of spatial planning to deliver economic prosperity and future housing requirements for the borough.

- Good Member and officer relations

The peer challenge team were told frequently during the time on site of the strength of Member and officer working relations. Members told of their respect for the hard work and professionalism of officers, while the latter spoke highly of their positive working relations with Members. This is an important building block for any council and particularly in the light of the challenges that Maidstone faces.

- Planning recognised as an enabler

Planning as an enabler of sustainable development is well understood by the council and is clearly described in the Strategic Plan. The enabling role extends widely. For example, the council's capital contribution towards a teenage parents supported housing scheme with Golding Homes, a Registered Social Landlord (RSL). This responded to a Local Strategic Partnership and Kent County Council (KCC) priority on teenage pregnancy supported housing. Another example is the mental health supported housing project at Tonbridge Road, working with KCC's Supporting People programme, the Brownfield Land Assembly Company, a RSL and Maidstone Community Care Homes. Both the council and KCC made a financial contribution to enable this scheme to proceed. These examples illustrate the enabling role in working towards one of the council's four priorities of 'addressing the needs of vulnerable households'.

This potential to enable development and achieve council corporate priorities is enhanced with the recent move of spatial policy (January 2012), and earlier in 2009-2010 of enforcement and business support with Development Management. This not only provides more flexibility on the use of staff resources but adds service resilience.

- Delivery of key projects

Many key projects have been delivered in recent years. These include the new Kent History and Library Centre, Museum extension and improvements at Mote Park – a Grade II English Heritage Register of Historic Parks. The Fremlins Walk shopping centre in Maidstone was developed by bringing together landowners, including the council, with a developer to assemble a development site. This also involved the council's use of Compulsory Purchase Orders to complete the site assembly and its assistance in the preparation of retail impact studies and evidence to justify the demolition of some locally

listed buildings. The Hart Street housing development has provided significant housing development of more than 700 units that are sympathetic to the adjacent riverside in Maidstone. This staged development has involved four different developers and included the provision of affordable housing. Similar Development Management persistence was illustrated in the application for 80 homes at Hook Lane, Harrietsham to address village growth and the private hospital, specialising in heart medicine, at Bearsted Road. The latter has influenced the Core Strategy as this area is now identified at a 'medical hub' in future growth.

The council is currently involved in discussions with Network Rail on the regeneration of Maidstone East railway station, which it is envisaged will involve a mixed use scheme, provide a new station and improved public transport links. Given the council priorities of economic prosperity and transport links this would be an important development for the town's principal railway station.

- Future key issues have been recognised

The council recognises the importance of the Core Strategy to provide a clear spatial vision for the use of land in the borough to deliver economic growth and housing, where and when it is needed. The council also recognises the impact of the Localism Act 2011, with this explicitly referred to in the Strategic Plan, and of the National Planning and Policy Framework (NPPF) – the latter being published as the team was on site – with implications for the Core Strategy that will need to be fully considered by the council.   Development of the Integrated Transport Strategy (ITS) with KCC is a key piece of work in view of the recognised transport and traffic issues in the borough. Community Infrastructure Levy (CIL) is effectively "the only game in town" for future developer contributions, which is why the work on it needs to be conducted in tandem with that of the Core Strategy. Provision of sites for Gypsies and Travellers is a distinctive local issue and there is a commitment to getting this work done.

- Core Strategy is getting back on track

The emerging Core Strategy has suffered from delay caused principally by the Kent International Gateway (KIG) appeal at Junction 8 of the M20 but also from more recent uncertainties, for example additional Regulation 25 consultation needed due to a proposed new component for the draft Core Strategy on the introduction of strategic sites. However, the alignment of spatial policy to work alongside Development Management should provide some service synergy, for example crossover on policy development, and potentially the ability to shift resources across the service where needed. Progress on the Core Strategy should also be assisted by the recently adopted project management approach.

- Member involvement in the development of the Core Strategy

Members have been extensively involved in the development of the Core Strategy through the Core Strategy Project Group, an Informal Core Strategy Project Group and an Overview and Scrutiny Committee Sub Group on the Core Strategy. In addition to this Members have been invited to attend a number of informal workshops on specific topics.

Areas for consideration

- How Maidstone Borough Council is perceived?

There has been extensive close working between the council and the planning service throughout the whole of the KIG process, regular meetings with Maidstone KALC to identify training needs for parishes on planning and improve operational practices, and considerable dialogue through the regular parish conferences. Despite this the perception of the council by developers and Parish Councils that the peer challenge team met was not positive. The team accept that this may not be fully representative of these partners but it is an issue to consider further. Both developers and Parish Councils will be key partners for delivering council priorities and the relationship will be important to develop.

- Are the strategic aims clear to, and shared by, everyone?

Although the council's priorities are clearly set out in its Strategic Plan the peer challenge team came across a number of instances where it was apparent that although the objectives might be shared the ways of achieving them might on occasion be in opposition. This was something that came across in meeting both officers and Members and detracts from the unity of purpose that will be important for achieving these objectives. Links between the key areas of Planning, Economic Development and Housing exist but those links need to be overt to demonstrate clear unity of purpose in terms of the Strategic Plan priorities and delivering on these. Unity of purpose, internally and externally, will be vital for some of the hard decisions needed in the future on the site selection process and identifying gipsy sites.

- How strong is the managerial and political support for the Core Strategy?

Tough decisions will be needed in the future and the council must be ready for these. The council has made good progress on the Gypsy and Traveller accommodation issue but this commitment will need to be maintained in identifying and bringing forward sites. Similarly there will be tough decisions to be made in relation to the Core Strategy on site allocations for economic growth and housing. The proposed KIG development at Junction 8 of the M20 has had the effect in many quarters, but not all, of discouraging any form of development there, particularly of warehousing and logistics. The peer challenge team believe this view should be challenged. First because Junction 8, with a smaller development than the KIG proposal, represents an opportunity for the council to send a signal to developers that, pending the adoption of the Core Strategy, the council is 'open for business'. Second because the concern that 'warehousing' development amounts to hosting "large sheds" with only small numbers of staff is incorrect. Logistics does employ more people than may be appreciated and many of these at senior salary levels. The peer challenge team recommend that the council rethink its strategy on Junction 8 development.

Members are actively involved in the Core Strategy development via various working groups. The peer challenge team applaud the involvement of Members in this process but felt that current working arrangements are too cumbersome. A single cross party body would be able to provide clearer focus and speedier decision making and generate links between Cabinet, Planning Committee and members generally.

- Does everyone always work together?

As with most council planning services there is a balance to strike between sustainable development, to provide for the future local economy and housing, and maintaining the unique landscape characteristics that define a place and make it important for people who live there. At Maidstone this balance is even starker where the council's primary priority is economic prosperity and its second is 'Maidstone as a decent place to live'. For the peer challenge team this was illustrated from discussions with developers who described that it

appeared to them that the council often did not support development and therefore economic prosperity and the determination of some rural areas and Parish Councils to question development in their areas. This appeared to the peer challenge team to be related to the above issue of making tough decisions but is also related to the need to communicate why these decisions are being taken so as to avoid misperceptions and ambiguity. Expertise and experience is available from adjoining authorities and the duty to co-operate should be viewed as a catalyst for closer working.

• What are communications like?

It was clear to the team that a lot of communication is taking place internally, externally with partners and specifically around the Core Strategy. However, an unanswered question was whether negative perceptions could be more effectively countered by rethinking how the planning service and the council presents these issues through its communications. One idea would be to consider how the corporate communications resource could be deployed. Corporate communications should be an integral part of the overall Core Strategy process to present the council's views and approach and manage the reputational impact.

With the NPPF published, an emerging Core Strategy and a planned refresh of the Economic Development Strategy, there is an opportunity to develop a more focused process for promoting and encouraging new sustainable development that addresses the priorities of the Strategic Plan. Closer working between planners, economic development housing and communications staff would enable key partners, such as the business community, to participate constructively.

3.2   Community Leadership and Engagement

Strengths

• Work conducted with Parish Councils on Housing Needs Surveys leading to the delivery of affordable housing in rural areas

Through the council's housing service most of the 35 Parish Councils have had a Housing Needs Survey conducted with this funded by the council. This has identified the affordable housing gaps and has enabled local conversations to take place involving: local Members, officers, developers, Registered Social Landlords (RSLs) and Parish Councils to identify sites and to bring these forward for development to address local need.

• Better dialogue with Parish Councils since meeting in January 2012

Although the council has worked closely with Parish Councils through the provision of planning training events, the impression formed by the peer challenge team was that working relations with the planning service were not strong. However, Parish Councils spoke of the improved working arrangements with the council since the Joint Parishes Group (JPG) meeting held to discuss the emerging Core Strategy. Ironically this was a meeting that the Parish Councils had called. This points to the low level that the relationship between the two had reached and presents an incentive for the council to build on the JPG platform to consolidate relations. This will be a crucial relationship for the Core Strategy when the council turns to site allocations.

• Public speaking at Planning Committee and web casting of meetings

The council allows public speaking at Planning Committee and the meetings are also recorded so that they can be viewed and heard as web casts on the council's website. This is good practice.

Areas for consideration

- Build improved 'dialogue' with Parish Councils e.g. Rural Service Centres, refresh of Strategy for Community Involvement (SCI) etc.

Having a positive relationship with Parish Councils will be important for the future. The cluster of Parish Councils represented by the Rural Services Centre offers one vehicle for engagement, as does the Parish Charter and the intention to refresh the SCI another. In view of the importance of the relationship with Parish Councils the peer challenge team recommend that consideration is given to a Maidstone Borough Council/parish council engagement strategy/compact that sets out a commitment for joint working.

- Develop a Parish Council partnership – to identify sites for commercial, residential and Gypsy and Traveller uses

With the Core Strategy moving towards the final stage to adoption (Spring 2013) it is an opportune time to work more closely with Parish Councils to begin the conversation on site allocations to support speedy decision making for the borough on where development will take place.

- Take the lead on Neighbourhood Planning – Localism Act 2011

One Parish Council has begun work on its Neighbourhood Plan. With the Localism Act now in place the peer challenge team consider that it will be important to engage with Parish Councils to explain what is involved in neighbourhood planning and to prepare for potential interest in developing such plans and how these would link into the Core Strategy and future refreshes. Similarly there would be value in discussing the implications of Community Right to Build etc.

- Increase Parish Council engagement on planning issues to raise understanding

The council is committed to working with Parish Councils on developing their understanding of planning matters and this is supported by some training on planning. Nevertheless, some felt that their concerns on planning applications could be too easily disregarded at Planning Committee. At the same time, there appears to be a willingness at Parish level to work more closely with the council on spatial planning and development management issues. The council is recommended to ask Parish Councils what further training and what other forms of dialogue they feel would be beneficial so that the considerations material to planning decisions are fully understood by the third tier authorities.

3.3 Management

Strengths

- Evidence of joint working - Mid Kent Improvement Partnership (MKIP), Section 106 with Swale DC, Community Infrastructure Levy (CIL) with KCC etc.

There is good evidence of joint working arrangements. The MKIP, which is Maidstone working with Tunbridge Wells and Swale councils, has progressed a number of shared service back office arrangements and is now turning its attention to potential arrangements for planning and business support. Maidstone's planning service is currently sharing a Section 106 post with Swale District Council and work is being conducted on the CIL with Kent County Council.

- Enforcement, spatial policy and conservation, business support – benefits of integration with Development Management (DM)

These services were separate from DM and in recent years have now been brought together with spatial policy added in January 2012. The peer challenge team believe that this is the right decision as these services gain from working alongside planning colleagues – with this being confirmed in a number of different interviews. For example, the enforcement service was struggling with a high and increasing case load. With the transfer of enforcement to DM specialist knowledge and expertise were brought to bear on the service and effect was to improve the quality and speed of management decisions in handling both new cases and prioritising the back log of cases including deciding which cases would not be pursued. This integration also offers flexible resourcing options. For example, some DM and enforcement staff are being used for processing planning applications and with the pressure on completing the Core Strategy it may, in the future, offer a potential resource to ensure this is completed to timetable. This provides additional service resilience.

- Pre-application process generating healthy income levels and being further developed

The pre-application process is successful and is generating additional income for the service – £57k for 2012-2013. It has found favour with developers who have used the service and this is important as the message is they are happy to pay for a service that assists the processing of their applications. In addition there is Member buy-in to the process, with Members being involved perhaps earlier than they would otherwise. The process is also being used to promote good design. The service is currently reviewing the charging schedule with consideration to moving to a sliding scale. The peer challenge team believe this is an innovative working practice that should be evaluated over the next two years, with developer involvement, so that the process can be improved by learning from what works well, what future fee levels may be set at and by understanding what developers require from this service.

- Development Management planning application performance

This is performing well with good historic performance on timescales for processing minor and major planning applications. Planning application performance in monitored for each case officer using the in-house live 'Statgraph' system. Aggregate performance and other service plan performance indicators are reported to the Corporate Leadership Team through the council's corporate performance management information system Covalent.

- Efficiency savings on planning budget achieved

Savings of £94.5k in DM to February 2012 - have been achieved in the current year. Much of this, it is understood, through staff reductions and budget savings. This needs to be evaluated to see what actual savings can be leveraged or where budgets need to be carried forward for future service delivery.

- Getting Core Strategy back on track with oversight and commitment

The move of the spatial policy team to be with Development Management in a unified planning service has coincided with more certainty in completing work on the Core Strategy. The Core Strategy work has recently adopted project management principles to plan a timeline of activity from now to submission. The decision to introduce strategic sites is to be consulted upon but will help considerably to aid future proposals for housing and economic development.

Areas for consideration

- The Core Strategy (CS) is an absolute priority but big issues to be addressed

The CS is recognised by the council as an absolute priority given the delays that have affected progress to date. These included the preferred option consultation and the appeal of the Kent International Gateway application at Junction 8 of the M20 motorway and, more recently, the decision to include strategic sites within the emerging Core Strategy which requires the council to repeat the Regulation 25 consultation (scheduled for September 2012).   There is a risk for the council on this, whether it is a strategic or service risk, and this should feature in the Risk Strategy/Register.   The interim uncertainty of waiting for the Core Strategy amounts to the potential danger of planning by appeal rather than plan led development. This is heightened with the publishing of the NPPF which creates a policy vacuum for the council insofar as Planning Policy Statements, which the council's planning service was referring to, are now superseded by the NPPF. In addition the council will need to be satisfied that its evidence base is robust prior to CS submission. This is a risk due to the time taken to bring the CS to adoption and whether all parts of this evidence base remain up to date and robust. For example, the draft has a figure of 10,000 jobs to be created over the twenty year period. This seems to the peer challenge team to be a bald, round number and the question might be what evidence supports this figure and where does this point to jobs being created across the borough, in what kind of activity and what proportion per year?

- Need 'can-do' approach for planning to deliver corporate priorities

The last ten years has seen a change in the roles within planning, with this accelerated since the Local Development Framework requirements were introduced. Not only does this bring spatial planning to the centre of the local government stage to help deliver corporate priorities but it requires a change of professional behaviours to be more proactive, making tough decisions and an engaging style of leadership and partnership working. For Maidstone this will involve planners actively working with colleagues and developers to promote and bring forward potential sites for development to contribute towards the delivery of council's local economic growth priority. These changes in behaviour will need to be supported by CLT and senior managers.

- Pre-application not always fully inclusive

The pre-application process was described to the peer challenge team as being occasionally "patchy" with some parties not being involved or not involved early enough. This could be addressed by reviewing the information provided to different stakeholders and how they may become involved; by improved communications, for example internal cross-service briefings, developer forums and Member information etc. Drawing up a brief operating procedure may help and asking applicants for their views on how well the system is working.   Another area that would be worth bearing in mind would be the use of Planning Performance Agreements (PPAs) where appropriate. This collaborative project

management approach brings together the local planning authority, the developer and other key stakeholders to expedite the effective planning application determination process.

• Communications, for example with Parish Councils, developers etc

Communication with Parish Councils and developers has not always gone well. The innovation to create the cluster of Parish Councils – the RSC – for the Core Strategy was undertaken without consulting the affected Parish Councils or making them aware of this until after the event. Not surprisingly this aroused some strong feelings from Parish Councils. For their part developers told the peer challenge team of their feeling that communication was too often a "one way street". Whatever the accuracy or not of these perceptions they are nevertheless perceptions that are damaging for the service and the council and should be addressed. The corporate resource on communications should be accessed to advise on communications with partners.

• No policy on rural affordable housing

The council needs to do more on Rural Exception Sites, which provide a good opportunity for planning to work with housing colleagues, Parish Councils, RSLs and developers to deliver housing, in particular affordable housing, for rural areas. Despite the council commitment to affordable housing the peer challenge viewed a recent Planning Committee where an application for a Rural Exception Site, with support from principal partners, proved particularly difficult to get to approval. This is another example where the planning service and the council need to make tough decisions which would be aided by having a policy on rural affordable housing. Such a policy should run alongside a policy on rural employment and highlights the important relationship between planning, economic development and local communities.

• Can efficiency and effectiveness of Planning Committee be improved?

This is an open question as it does form part of the Strategic Plan milestones for 2011 and is contained within the service plan's work plan for the current year. The council undertook some work a few years ago which included an assessment of the cost to the council of Parish Councils referring applications to the Planning Committee for decision. This was estimated at £1,200 per referral. Consideration was given to applying more controls on parish council referrals but was not progressed. A broader assessment might have asked whether the savings from fewer referrals could have been invested into more planning training for Parish Councils, for example, as a means to deepen their understanding of planning matters and to develop further this important relationship. Another example provided was the writing of long committee reports, which officers acknowledged was a mechanism to provide a comprehensive account of an application in the eventuality of questions being asked in committee. The peer challenge team would point to the practice in many other authorities of using a report template and limiting the report length, where appendices might be used where necessary. This would generate savings on staff time having to write long reports and for Members who have to read them. This would also not only be a way of changing current working arrangements but could strengthen Member and officer relations by encouraging Members to be briefed on areas requiring clarification before the committee. Another consideration would be to overhaul Member involvement in the Core Strategy so that this is clearer than it is currently, and to link this activity more closely to the work of Planning Committee. The latter will need to be more aware of the impact of the CS and of Supplementary Planning Documents (SPDs) and other Development Planning Documents (DPDs) on their work, whereas the emerging CS can

be usefully informed of practice issues from Development Management and from the Planning Committee.

3.4 Partnership working

Strengths

• Working arrangements with Kent County Council (KCC) on Integrated Transport Strategy ITS

KCC is working closely with the council on the ITS. This is a priority outcome for the council that intends to achieve 'a transport network that supports the local economy' by 2015. KCC has seconded a full time officer to the council to work on transport matters. Highways officers from KCC also regularly attend Planning Committee to advise Members on highways matters.

• Community Infrastructure Levy (CIL) foundations

Work is taking place on CIL. This is working at different levels with a Kent group of authorities looking at this county-wide. At a more local level there is a council corporate group of officers considering how the levy can best be implemented from both the collection and expenditure perspectives. This group is chaired by a Finance officer with its work feeding into the Medium Term Financial Strategy. A shared post with Swale District Council to develop CIL has also been created.

• Kent Forum and Locality Board, links to LEP

The changes to Local Strategic Partnerships and Local Area Agreements have developed into the new Kent Forum model with a Locality Board representing Maidstone. The Kent Forum provides inputs into the Local Enterprise Partnership (LEP) which covers Essex, Kent and East Sussex.

• Developer Forum

The council has a Developer Forum which meets twice a year. This is an important vehicle for developer engagement and constitutes good practice.

Areas for consideration

• Developer's Forum – "one way traffic"?

Developers that the peer challenge team met described this forum as feeling like "one way traffic" but were reticent to voice this view to the council in case it was felt it might affect future proposed development and applications. What was clear was that developers are keen to have a better relationship. Improvements to current arrangements could take a number of different forms, for example anonymous feedback, rethinking the agendas for these meetings so that they pick up matters of importance for developers, and ensuring that officers from Development Management, Spatial Policy and Economic Development attend these meetings. There also needs to be a shared understanding that voicing complaints/concerns can be a constructive and useful process for both parties which can improve customer service and working relationships.

• Co-operation with neighbouring councils

Working together with neighbouring authorities and other partners will be increasingly important, especially at a difficult time of resource constraints. The importance of this was illustrated to the peer challenge team by an application to neighbouring Tonbridge and Malling District Council for a large housing development on the north western border of Maidstone (Langley Park), which is likely to have implications for both council areas. Earlier discussions could have enabled better planning and preparations for this development.

The duty to co-operate is set out in Section 110 of the Localism Act and will encourage councils and statutory partners to work together to take account of such developments and the implications of this for Travel to Work Areas, Housing Market Areas, Economic Activity Areas etc. so that the effects of development can be considered beyond administrative boundaries. The duty does not extend as far as having to achieve full agreement with partners but plan making authorities are expected to seek accords and if these are not reached then to be able to fully explain why this has not been possible. This new requirement for Core Strategies will need regular monitoring to ensure full compliance with the Act.

- Parish Councils are an important partner

Parish Councils are important for Maidstone: to work with the council on the emerging Core Strategy and, in due course, the consideration of site allocations; to work with the council on the development of rural affordable housing and rural employment; to refine Parish Councils input on planning applications; and to promote training support to Parish Councils on planning matters and to strengthen the current working relationship. The latter will be important for the council when discussing the way of taking forward a shared approach to Neighbourhood Planning, Community Right to Build etc. The Localism Act will drive this agenda and this is acknowledged by the Chief Executive in the Strategic Plan, "Among the challenges ahead is to interpret localism in a way that enables local people and their Councillors to take charge of how their neighbourhoods develop."

- Kent County Council has "lost sight of Maidstone"?

The peer challenge team were told, particularly by Members, that KCC has "lost sight" of Maidstone and that the danger could be that the county town would be overlooked for expansion and investment , so losing out to other areas such as Ashford and Ebbsfleet. The recent restructuring arrangements at KCC, with the recent departure of the chief executive, could provide an opportunity for Maidstone to engage with KCC to rebuild this relationship.

- Impact of such a large LEP for Maidstone?

It will be important for Maidstone to be able to flag up key issues that are important for the county town, for example the Integrated Transport Strategy as well as supporting more effective working arrangements for the LEP. The LEP covers Essex, Kent and East Sussex which is a large geographical area with a huge number of often competing interests. It will be important for Maidstone to develop a strategy of engagement that can recognise realistic limitations while working to gain the most benefit. This could come from working with other Kent district councils, the Kent Forum with Kent County Council and from identifying other spheres of influence.

3.5 Achieving Outcomes

Strengths

- Achieving good design on major projects

The council has worked hard on promoting modern and good design. The Kent Design Guide has been important in this, being supported by the council's work on Character Area Assessments and Residential Extensions SPDs. This is exemplified in the Kent History and Library Centre complete with 112 flats. This development followed lengthy pre-application discussions to fine tune the design and make improvements to the public realm and associated infrastructure, including improved public transport and pedestrian links. The South East Regional Design Panel was invited to comment on the earlier design.

Other examples include the former Linton Hospital site at Coxheath, which was highly commended in the Kent Design and Development awards

The Ecclestone Road development was originally refused on design grounds – with this decision upheld on appeal - but later approved, due in large part due to the advice used to emphasise design principles. A design panel was involved in this project from the outset and, with its location on the riverside, the final design was inspired by the form of a ship.

The Police are using 'Secured by Design' (SBD) to focus on crime prevention for homes and commercial premises. SBD is used by Registered Social Landlords (RSLs) in Kent, was used for the new Kent History and Library Centre and is advocated by Kent Design Initiative Support and KPOG. The peer challenge team recommend that the service discuss with the Police how SBD could be used for planning applications for community and business benefit. This would be consistent with the draft CS commitment to sustainable design which states that "appropriate crime prevention measures will be considered at the earliest stage of the design process" (page 48).

- Pre-application process effective and "speedy validation for £15"

The pre-application process is promoting earlier involvement and discussions between officers, agents, developers and Members to smooth the application process. It is also having a positive impact on design discussions with these being picked up earlier with applicants. Also positively referred to is the process by which applicants are offered the speedy validation of their planning applications for £15. For this small fee applicants are quickly informed whether or not their planning applications are furnished with all necessary information to be registered as complete and then go directly into the development management process. This is a useful innovation when the validation of applications can be very complex.

- Enforcement workload more in hand – refocused

The reorganisation of planning enforcement in 2009 and its incorporation into the planning service has led to significant improvements in its operation and has resulted in the number of cases being substantially reduced. A large backlog of enforcement cases has been cleared and the current caseload is maintained at a manageable level through appropriate prioritisation. In addition, the production of the Planning Enforcement Policy Statement in 2010, which was subject to substantial consultation – including parish councils, provides information for officers, Members and the public on policies, priorities and practice standards. Resources are now focused only on significant breaches of planning control with very minor matters not pursued.

- Housing numbers delivered – nearly 50 per cent of Core Strategy target built or approved

The house building that has taken place means that positive inroads have been made in the draft Core Strategy housing numbers (10,080 over the twenty years to 2026) with nearly 50 per cent of these achieved or approved. This is assisted by a 5-year housing land supply – currently estimated at 6.4 years. A lot of housing development has taken place, especially in the Maidstone urban area with much of this being one and two bedroomed apartments. This satisfied demand and there is now an emerging need for family and three bedroomed accommodation, which the planning and housing services are aware of. The success of the housing development is recognised by the award of £1.8M of Housing Delivery Grant for 2012-2013 – the highest of any Kent borough.

The council has also made considerable progress on the Gypsy and Traveller accommodation needs. The council has recently updated the Gypsy and Traveller Accommodation Assessment (GTAA) from the University of Salford – identifying the need for 157 pitches - and has obtained Homes and Communities Agency (HCA) funding of £1.3M towards pitch provision. There is a political commitment to grasp the nettle and make progress on this issue.

- High levels of affordable housing achieved

Outside of Medway – a unitary council – Maidstone delivers the highest levels of affordable housing in the county and this is a very positive outcome in what is a corporate priority to "provide decent, affordable housing in the right places across a range of tenures". Since the Affordable Housing DPD was adopted in 2006 the number of affordable housing units secured on new planning consents for sites of 15+ units has been showing an increasing trend and the affordable housing completions has risen from 84 in 2005-2006 to 391 in 2009-2010. This has come about from strong housing links with principal partners, for example the HCA, RSLs and developers but also by the council's commitment to provide top-up funding of up to £8K per unit to demonstrate both council commitment and to leverage funding from other sources. However, the council's Strategic Housing Market Assessment (2010) shows that affordable housing need has risen since the Housing Needs Survey conducted in 2005 so progress may be more challenging in the future and will require CLT oversight.

- High levels of New Homes Bonus

The New Homes Bonus is intended to "create an effective fiscal incentive to encourage local authorities to facilitate housing growth". Councils receive an amount equal to the national average for the council tax band on each additional property. Maidstone is 5th in the top ten winners nationally.

Areas for consideration

- Core Strategy – how tangible is progress?

A timetable for producing the Core Strategy should be established and closely monitored by CLT and Cabinet. There have been previous false dawns and although progress appears to be on track it will be important to supervise this to ensure activity proceeds against the project management timeline and to intervene if required. The Head of Planning will need support on this programme and there may need to be a demand for

resources to meet the timetable committed to. The PAS/CIPFA benchmarking report will be useful in reviewing current resources so as to form a view of resources required.

In this time of austerity there is a balance to be struck between investing in the planning service as a whole and other areas of the council. It will be essential that evidence and sustainability appraisals to support the Core Strategy are robust and up to date and that full account is taken of the NPPF requirements before submission.

• Site allocations and Development Management policies – progress?

The emerging Core Strategy is moving towards strategic allocations on three sites. However, it will be important to progress the remaining site allocations and associated policies at the same time as work is progressing to submit the Core Strategy so that actual delivery of the adopted Core Strategy and corporate priorities are not left in limbo after adoption.

• Is enabling the priority of economic prosperity embedded?

Although a clear corporate priority, is it one that is owned by all Members and officers? As far as the planning service is concerned this priority should have explicit implications for both plan making – in bringing forward appropriate sites attractive to investors - and in determining economic development planning applications as quickly as possible. An example of this is the site adjacent to Junction 8. The resolution of this issue, in the absence of an approved Core Strategy, requires intervention by planning and economic development officers to bring it forward for development. Work is required with KCC, and potentially with the Highways Agency, to resolve highways issues. The council should consider some pro - active master planning / development brief initiative which would be a positive form of enabling. The same principles apply to any potential employment site. Development Management might also consider a system of giving greater priority to planning applications for employment use.

There is an intention in the Strategic Plan to review the Economic Development Strategy during 2012. This is an important task as the current strategy is now out of date but also because the council recognises that it will be important to align CS preferred options to an up to date Economic Development Strategy. The peer challenge team recommend that this review is conducted as soon as possible so that the CS and the Economic Development strategy can work in tandem.

• Developer's concerns – communications issue?

As indicated above, a better relationship is needed with the business community and corporate communications colleagues could assist on this. It will be important for the council to show it is open to listening more and establishing conditions in which developers feel confident to voice their concerns. In practice, more consultation and sharing of issues/concerns can address some of the issues that can divide partners and stakeholders. There is also a need to look at basic customer service issues such as responding to phone/emails and letters from applicants. Although headline performance figures in Development Management are good, is it possible that this is being achieved at the expense of good day to day relationships with service users?

• Commitment to Community Infrastructure Levy (CIL)?

Although progress is being made it will be important that this is monitored by CLT. The Strategic Plan has a milestone to develop an Infrastructure Delivery Plan during 2011-2012 and suggests that there has been some slippage in this timetable. It is the view of

the peer challenge team that CIL is the only game in town (as Section 106 provisions are curtailed) and the DM service and the council must make a wholehearted effort to work with this to ensure the infrastructure needs of Maidstone are met so as to deliver economic prosperity and sustainable development, for the borough. CIL should also be modelled on the council's requirements.

Signposting to areas of support

Core Strategy
Direct support project management
http://www.pas.gov.uk/pas/core/page.do?pageId=166975

Check core strategy content for compliance against NPPF
http://www.pas.gov.uk/pas/core/page.do?pageId=2118093

Direct support for evidence base review
http://www.pas.gov.uk/pas/core/page.do?pageId=166975

Community Infrastructure Levy (CIL)
CIL information
http://www.pas.gov.uk/pas/core/page.do?pageId=122677

CIL direct support offer
http://www.pas.gov.uk/pas/core/page.do?pageId=1795405

Frontrunners
http://www.pas.gov.uk/pas/core/page.do?pageId=1103726

Direct support advice for Councillor involvement
http://www.pas.gov.uk/pas/core/page.do?pageId=166975

Neighbourhood planning

Neighbourhood planning web information
http://www.pas.gov.uk/pas/core/page.do?pageId=1802659

Pre application advice
Pre app advice info from PAS website
http://www.pas.gov.uk/pas/core/page.do?pageId=341954

Planning Advisory Service

The Planning Advisory Service (PAS) offers a wealth of information, tools and activities. Information is available at: http://www.pas.gov.uk/pas/core/page.do?pageId=1. PAS will engage with Maidstone Borough Council to discuss further relevant support activities.

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