

## REGENERATION, CULTURE AND COMMUNITY OVERVIEW AND SCRUTINY COMMITTEE

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### LOCAL DEVELOPMENT FRAMEWORK: DRAFT CORE STRATEGY

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#### Summary

This report informs the Committee about the penultimate draft of the Core Strategy, which will be the key part of Medway's Local Development Framework. The Committee is invited to comment on it prior to the Submission version of the document being reported to Cabinet.

**Members are requested to bring along their own hard copies of the "publication draft" Core Strategy and its accompanying Sustainability Appraisal to the meeting.**

#### 1. Budget and Policy Framework

1.1 The Local Development Framework forms part of the Council's Policy Framework. The version of the Core Strategy, which is the subject of this report, is the penultimate version before it is submitted for independent examination. The follow up Submission draft will require approval by Cabinet, then Council. The costs of preparing the Local Development Framework continue to be met from the approved budget.

#### 2. Background

2.1 In accordance with the provisions of the Planning and Compulsory Purchase Act 2004 (as amended) and associated Regulations, the Council is required to prepare and keep under review a Local Development Framework or LDF for the area. An LDF comprises a portfolio of different documents but the most important of these is a core strategy. A Land Allocations and Development Management Development Plan Document (DPD) and a Community Infrastructure Levy (CIL) Charging Schedule will follow on.

- 2.2 A core strategy establishes the overall development quantities and broad locations for development over a period of at least 15 years (in Medway's case, up to 2028). It is a strategic document with associated detail being reserved for subsequent development plan documents but it should nevertheless provide a framework for all major planning decisions.
- 2.3 Cabinet approved the 'publication draft' Core Strategy for public consultation at its meeting on 2 August 2011. Members have been involved throughout the process.
- 2.4 This version of the Core Strategy is the final draft, which will be subjected to public consultation. The statutory 6 week public consultation runs from 30 August until 14 October 2011. It will then be followed by a 'submission version' that once endorsed by Cabinet and then Full Council will be referred to the Secretary of State for independent examination.
- 2.5 A range of associated documents has also been produced. These essentially fall into two types:
- Documents that must be prepared to support the Core Strategy: and
  - Other LDF documents that have previously been approved by Cabinet but which should be refreshed prior to the next procedural stage for the Core Strategy.
- 2.6 Alongside the current Core Strategy public consultation, a separate consultation is also taking place about the draft development brief for the new settlement at Lodge Hill. This is consistent with the Core Strategy but contains important details that cannot be included in the Core Strategy. Its preparation has been deliberately timed to allow consultation alongside the Publication Draft Core Strategy.
- 2.7 Hard copies of the "publication draft" Core Strategy and its accompanying Sustainability Appraisal were recently sent to Members. **Please bring these along to the meeting.** Otherwise, they can be viewed at: [www.medway.gov.uk/ldf](http://www.medway.gov.uk/ldf)

### 3. Options

- 3.1 There is a statutory requirement for the Council to prepare and keep under review a local development framework. Despite some changes to the planning system, expected through the Localism Bill currently before Parliament, and considerable uncertainties regarding the full implications of the forthcoming National Planning Policy Framework, no significant changes are being made to the LDF process. As such the Council would be in breach of this legal duty were it not to proceed with the Core Strategy and so there are not considered to be any practical alternatives to the approach being followed.

3.2 In any event having an up to date spatial planning strategy has many advantages. For example it provides a basis for attracting investment, making consistent planning decisions and is valued by service partners.

#### 4. Advice and analysis

4.1 The table below summarises the plan preparation process to date and the subsequent stages that must be completed before the Core Strategy can be adopted. Some of the dates specified below may potentially be subject to further change, particularly those that are outside of the direct control of Medway Council (e.g. Planning Inspectorate availability / workload).

Stage	Date(s)	Summary
Commencement of new Core Strategy (Regulation 25)	December 2008	Publication of State of Medway reports and Scoping for Sustainability Appraisal
Publication of Issues and Options report and subsequent public consultation (Regulation 25)	June 2009	Required assessment of strategic options, accompanied by initial Sustainability Appraisal
Pre-Publication Draft Core Strategy and subsequent public consultation (Regulation 25)	September 2010	First composite Core Strategy, accompanied by interim Sustainability Appraisal. Discretionary stage but strongly recommended by Planning Inspectorate
Publication Draft Core Strategy and subsequent statutory public consultation (Regulation 27)	August 2011	<b>Current stage.</b> Penultimate draft Core Strategy and associated documents as detailed in the report
Submission Draft Core Strategy (Regulation 30)	March 2012	Submission to Planning Inspectorate for independent examination. Any consultation responses made at this stage are forwarded to the Inspector
Examination hearings	July 2012	Covering matters identified by the Inspector on which they want further information
Inspector's report	September 2012	Currently binding on the Council but will alter if/when the Localism Bill receives Royal Assent
Adoption by Council	October 2012	Subject to satisfactory Inspector's report

- 4.2 Each stage to date has been informed by public engagement at the previous stage and the growing 'evidence base' that is required to inform the plan. The evidence base is extensive and is available to view on the website. See:  
<http://www.medway.gov.uk/environmentandplanning/developmentplan/localdevelopmentframework/ldfevidencebase.aspx>
- 4.3 Although all consultation responses and new evidence has been considered in the Publication Draft Core Strategy's compilation, the document can be considered a refinement of the previous draft approved by Cabinet in October 2010, as opposed to a significant re-write. As such it:
- Proposes the same quantum and distribution of development
  - Is laid out in a similar style, albeit that the 'Options and Alternatives' chapter has been deleted as it is not relevant at this stage
  - Has the same policies as previously, although many have been further refined in the light of comments received and further analysis
  - Has an amplified 'Area Policies' chapter, giving clearer direction as to the application of the Core Strategy to different parts of Medway
  - Has been updated to reflect the most recently available information. This includes for example housing completions for 2010/11 (which at 657 exceeded the forecast of 550).
- 4.4 While major redrafting should not be required at this stage, the relatively limited changes proposed also reflect broad support for many elements of the Core Strategy and how this is borne out by the evidence. In particular the various statutory agencies have been very positive about it and worked closely with officers in refining text where this was appropriate.
- 4.5 Some local authorities at a similar stage in the plan preparation process have found themselves in difficulty as a result of national uncertainty over the legal status of Regional Spatial Strategies. In Medway's case this is the South East Plan. The uncertainty results from a quite complex legal dispute between the Secretary of State for Communities and Local Government and Cala Homes PLC. It has caused particular difficulties for authorities that chose to alter their housing targets from that in their regional spatial strategy. However in Medway's case the South East Plan's target has been retained, although reassessed against local evidence to ensure that it remains robust and locally relevant.
- 4.6 A number of other documents must also be published alongside the Publication Draft Core Strategy, these are described in the table below and can be viewed at: [www.medway.gov.uk/ldf](http://www.medway.gov.uk/ldf)

Title	Summary
Medway Local Development Framework: Pre-Publication Draft Response to Representations	This is a large and technical document. It sets out all responses received to the last core strategy consultation and the Council's proposed response in each case. It forms part of the evidence base and may be considered by the Inspector during the independent examination
Medway Core Strategy: Interim Diversity Impact Assessment	This must accompany all plans and strategies. The 'final' assessment will be prepared alongside the submission Core Strategy
Second Interim Sustainability Appraisal	This is an independent assessment of the social, economic and environmental implications of the Core Strategy, required to satisfy EU requirements embedded in national legislation. A final appraisal will be prepared for the Submission Core Strategy
Habitats Regulations Assessment Scoping and Screening Report	This is a further independent assessment of the Core Strategy, required to satisfy EU requirements embedded in national legislation and dealing specifically with potential impacts on internationally important sites (Thames and Medway Estuary and Marshes Special Protection areas) and Special Areas for Conservation (Medway Valley [part]). A final appraisal will be prepared for the Submission Core Strategy

- 4.7 At its August 2011 meeting, Cabinet approved an update to the Medway Local Development Scheme (LDS). Cabinet had approved the previous version in December 2009. This is effectively the project plan for the LDF and is published to inform the public as to how the LDF is being prepared and what it comprises.
- 4.8 Two changes have been made to the Scheme. First programme dates have been updated to reflect recent progress. Second references have been introduced to a Community Infrastructure Levy or CIL.
- 4.9 This provides a new power to collect contributions from development, largely but not completely replacing S.106 agreements. It will also apply to a much greater range of development than is practicable with S.106 agreements and, as such, is intended to become a primary source of funding for local infrastructure. Annual receipts in Medway could be significant, potentially up to £10 million, depending on build rates.
- 4.10 In order to introduce a charge a local planning authority must draw up a 'Charging Schedule' based on local infrastructure needs and an assessment of the implications for the viability of developments taking account of local market conditions. The local planning authority must then consult on its draft schedule and submit it for independent examination.

- 4.11 The formulation and approval process is tied to the LDF and a charge cannot normally be introduced until a core strategy is in place. Accordingly it needs to be referred to in the Local Development Scheme.
- 4.12 Given the positive financial implications of introducing a Levy it is programmed to rapidly follow preparation of the Core Strategy.
- 4.13 A further, more detailed, report on the Levy will be submitted to Cabinet at a later date.
- 4.14 Previous versions of the Local Development Scheme have had to be submitted to the Secretary of State but the Coalition Government has now removed this requirement. However the revised Scheme still needs to be published on the Council's website and it will be considered by the Inspector appointed to examine the Core Strategy next year. Given these circumstances it was appropriate to update it now.
- 4.15 Public consultation is also now occurring in respect of a proposed update to the Statement of Community Involvement or SCI. This was first adopted in 2006 after an independent examination and it sets out the consultation methods the Council will use in engaging with the public and stakeholder organisations.
- 4.16 Given its comparative age it warranted updating, particularly as it no longer needs to be independently examined and the range of organisations cited in it has changed. For example the 2006 version referred to the Regional Assembly (SEERA) that no longer exists. The Inspector who examines the Core Strategy will also refer to it.
- 4.17 There is considered to be significant community support for the policies and proposals being put forward in the Publication Draft Core Strategy. It is also considered to be a sound document ready for submission to independent examination, subject to minor (rather than major) changes. It will, of course, be necessary to await the full results of the current public consultation in order to determine what precise further minor amendments might be required for the Submission version of the document.

## **5. Risk Management**

- 5.1 There are various risks associated with the complex processes involved in preparing the LDF. The most significant of these are considered on the following page.

Risk	Description	Action to avoid or mitigate risk
Core Strategy is found 'unsound' following an independent examination	A finding of 'unsoundness' would require the council to repeat certain stages of the plan preparation process with associated cost and time implications	Assembly of a comprehensive 'evidence base' and close adherence to all published guidance and the relevant regulations
Legislative and/or national policy changes (e.g. NPPF)	Resulting in revisions to the process or new legal requirements	Careful monitoring of national policy and its implications for Medway
Insufficient resources	The team responsible for the LDF is subject to a fundamental service review and there is continued pressure on revenue budgets	Service review is taking these factors into account

## 6. Consultation

- 6.1 As indicated above, the Written Response to Representations document records, in detail, representations received on the previous version of the Core Strategy. It also sets out a proposed formal response in each case. Although many of the submissions received were very detailed, few question the overall approach.
- 6.2 Inevitably there were submissions from a range of landowners promoting additional sites for development. In a number of cases the pace of delivery of development at Lodge Hill is questioned but generally this was an attempt to make a numerical case for another site.
- 6.3 There is always some uncertainty over the precise pace of development that can be achieved on developments of the scale of Lodge Hill but Land Securities continue to make good progress in refining their proposals and all evidence points to a start on site in mid-2013. In any event the Core Strategy identifies a substantial 'cushion' that can come into play in meeting the housing target of an average of 815 over the plan period. Accordingly no case is seen for altering the strategy as proposed.
- 6.4 A range of government agencies, amenity organisations and others proposed sometimes very detailed changes to the previous draft. All of these have been very carefully considered and they are reflected in the

current draft where this was considered appropriate. Where this has not been done it is usually because it would bring inappropriate detail to a core strategy that should be strategic in its outlook or they raise matters that should be advanced through the subsequent development plan document that will deal with specific land allocations and detailed development management policies.

- 6.5 There is some concern that local people find the process confusing and have not been as engaged as they might have been. However the Council has no control over the very complex procedures that have to be followed and there is evidence to suggest that people do not have an issue with what is being proposed and so do not feel the need to get actively involved.

## **7. Financial and legal implications**

- 7.1 The Council is under a legal duty to prepare and keep under review a local development framework, which must include a core strategy. The stage now reached is governed by Regulation 27 of the Town and Country Planning (Local Development) (England) Regulations 2004 and amendment Regulations 2008 and it is important that the necessary procedural steps are closely followed.
- 7.2 The costs of preparing the LDF are carefully monitored and continue to be contained within the approved revenue budget. Subsequent costs will however be largely dictated by the complexity of the necessary independent examination.

## **8. Recommendations**

- 8.1 That the committee consider the contents of the draft Core Strategy and forward any comments it wishes to make on it to the Cabinet.

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### **Background Papers:**

These are extensive but appropriate links to them can be found to them at:  
[www.medway.gov.uk/ldf](http://www.medway.gov.uk/ldf)