

## **CABINET**

**20 DECEMBER 2011**

### **LOCAL DEVELOPMENT FRAMEWORK**

Portfolio Holder: Councillor Jane Chitty, Strategic Development & Economic Growth

Report from: Robin Cooper, Director for Regeneration, Community & Culture

Author: Brian McCutcheon, Planning Policy & Design Manager

#### **Summary**

This report seeks approval to submit the Medway Core Strategy to the Secretary of State for Communities and Local Government for independent examination. It also refers to a number of associated documents.

These documents are:

- A schedule of proposed changes to the 'Publication Draft' Core strategy approved for consultation in August 2011
- A schedule of proposed changes to the revised Statement of Community Involvement (SCI) also approved for consultation in August 2011
- A Diversity Impact Assessment
- A Sustainability Appraisal of the Core Strategy
- A Habitats Regulations Assessment of the Core Strategy

A new composite version of the Core Strategy is also provided for ease of reference.

The report also recommends adoption of a revised Statement of Community Involvement.

#### **1. Budget and Policy Framework**

1.1 The Local Development Framework forms part of the Council's Policy Framework. This version of the Core Strategy will be submitted for independent examination and as such requires approval by the Council. Adoption of the revised Statement of Community Involvement is also a matter for the 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 is made up of a portfolio of different documents but the most important of these is a core strategy.
- 2.2 A core strategy establishes the overall development quantities and broad locations for development over a period of at least 15 years. 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 Proposals must be founded on an extensive and robust 'evidence base' and there must be clear monitoring processes in place. The plan must also be deliverable and adaptable.
- 2.4 The table below summarises the preparation process and associated timetable for the Core Strategy. Each stage has been the subject of detailed reports to the Cabinet, informed by consideration by the LDF Advisory Group and the Regeneration, Community and Culture Overview and Scrutiny Committee (see paragraph 9 for further details).

Stage	Date to Cabinet/Expected Date	Remarks
Commencement (Regulation 25)	December 2008	Invitation to participate, publication of series of 'State of Medway' reports, scoping of sustainability appraisal, initial assembly of evidence base, initial engagement with key stakeholders
Issues & Options report	June 2009	Broad spatial options for development ("reasonable alternatives") and list of issues the Core Strategy should address. Subject to formal public consultation
'Pre-Publication Draft' Core Strategy	October 2010	A first draft Core Strategy – publication delayed due to uncertainty over proposed revocation of regional spatial strategies following election of the Coalition Government. Subject to formal public consultation
'Publication Draft' Core Strategy	August 2011	A second draft Core Strategy – intended to be very close to the final 'submission' document. Subject to formal public

Stage	Date to Cabinet/Expected Date	Remarks
		consultation but with representations being referred to the inspector appointed to conduct the independent examination
<b>'Submission Draft' Core Strategy</b>	<b>December 2011</b>	<b>Current stage – with minor changes only proposed to the previous (publication) version</b>
Submission	January 2012	Submission of Core Strategy, evidence base and a host of supporting material to Planning Inspectorate (PINS) for independent examination
Examination hearings	April 2012	Timing dependent on number and complexity of issues selected by inspector
Inspectors report	July or August 2012	Currently legally binding but marginal relaxation after Localism Act commences
Adoption by Council	September 2012	Dependent on satisfactory inspector's report

- 2.5 The programme for the LDF is set out in the Local Development Scheme that was last approved by Cabinet in August 2011. Subject to a satisfactory independent examination it is intended that two further development plan documents will be prepared. These are:
- A land allocations and development management development plan document – this will replace all 'saved' Medway Local Plan policies and incorporate a new Proposals Map for Medway
  - A Community Infrastructure Levy (CIL) Charging Schedule – this will largely replace Section 106 agreements and extend the range of developments that contribute to future infrastructure requirements.
- 2.6 The previous 'Publication Draft' Core Strategy was subject to a formal public consultation exercise but the Council is not required to respond formally to representations received this stage. Instead they are passed to the inspector appointed to conduct the independent examination. However, where appropriate, they have informed the schedule of proposed changes to the 'Publication Draft'.
- 2.7 Subject to the agreement of the Council it is anticipated that actual submission of the Core Strategy will occur on or around 30 January 2012. The precise timing will depend on a large amount of supporting technical material being completed, referenced and copied.

- 2.8 Please note that all Attachments referred to in this report are being circulated to all Members of the Council separately. Members are asked to retain their copy of the attachments for both Cabinet on 20 December 2011 and Full Council on 12 January 2012. They can also be accessed online as follows:

**Cabinet:**

<http://democracy.medway.gov.uk/ieListDocuments.aspx?CId=115&MId=2337&Ver=4>

**Council:**

<http://democracy.medway.gov.uk/ieListDocuments.aspx?CId=122&MId=2414&Ver=4>

### 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 arising from the Localism Act 2011, those relating to LDFs are very limited in extent. 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 Getting to this stage has involved a considerable amount of work but despite this some uncertainties continue to exist. All LDF documents, and particularly the Core Strategy, have to be 'in conformity' with national and regional policy.
- 4.2 Shortly after it was elected the Coalition Government announced its intention to revoke regional spatial strategies – the South East Plan in Medway's case. However this was subject to a complex legal challenge, which has caused uncertainty for all planning authorities. The enactment of the Localism Act provides a proper legal basis for the abolition of the South East Plan but it continues in force and is likely to remain so for some months.
- 4.3 Publication of the draft National Planning Framework in the summer of 2011 also caused considerable controversy. A final version of the Framework is expected in April but it is very difficult to forecast what it might contain at this stage. The draft did however stress the importance of having up to date 'local plans' (LDFs) in place and it is presumed that Government will continue to hold this view.
- 4.4 The LDF Advisory Group was asked to consider whether or not submission of the Core Strategy should be delayed until after the National Planning Policy

Framework has been issued. After due consideration the view was taken that it was important to have a plan in place as soon as possible and that the risk of a delay may be greater than dealing with any conformity issues during the independent examination. At the moment the draft National Planning Policy Framework includes a policy to grant permission where the plan is absent, silent or out of date, so delaying the submission of the Core Strategy could have serious impact.

4.5 A copy of the proposed 'Submission' Core Strategy has been circulated with the agenda as **Attachment 1**. This is supported by **Attachment 2**, which is a schedule of the actual changes proposed to the Publication version approved by Cabinet in August.

4.6 The changes are of three types:

- Factual changes and corrections reflecting the latest situation and information available
- Some detailed changes to policies resulting from recommendations included in the Sustainability Appraisal and Habitats Regulations Assessment (see below)
- Some further minor or detailed changes proposed by various respondents to the last round of public consultation.

The reason for each change is set out.

4.7 It is important to stress that, while these changes are considered to improve the document, they do not alter the overall strategy, structure or policy strands contained in the previous version. Were more significant changes considered necessary the 'publication' stage at least would have to be repeated, with consequent delays and cost. The overall strategy and vision therefore remain consistent with that set out in the 'Pre-Publication' draft issued in 2010.

4.8 Some of the more significant aspects are as follows:

- A spatial strategy still firmly founded on the Thames Gateway project and that focuses strongly on the regeneration of previously developed land as opposed to greenfield development
- Housing development of a scale consistent with the outgoing South East Plan – as representing an appropriate balance between meeting local needs, contributing to wider growth, already identified sites and deliverability
- The development of the new settlement at Lodge Hill – as an exemplar development and one that will add to housing choice and be complementary to the urban regeneration agenda
- An ambitious jobs target of 21,500 new jobs by 2028 but founded on a generous land supply and Medway's inherent strengths – the universities, the unique opportunities at Lodge Hill, Kingsnorth and Grain and the 'cluster' potential of Rochester Airfield
- Developing Chatham 'City Centre' as a clear priority
- Provision for waste and minerals

- An emphasis on sustainable neighbourhoods – proposed ahead of the Localism Act but providing a basis to positively respond to the neighbourhood planning agenda contained in that Act
- Pushing design standards and sustainability and adapting to climate change
- Putting Medway at the forefront of Green Infrastructure thinking, including the development of a green grid
- Promoting the World Heritage Site
- Valuing the river while seeking a balance between commercial, leisure and environmental interests
- Strong area policies for the 5 ‘towns’, the Medway Valley and the Hoo Peninsula
- A comprehensive monitoring framework
- A comprehensive infrastructure delivery schedule.

4.9 **Attachment 3** is the final Sustainability Appraisal (SA) and **Attachment 4** is the final Habitats Regulations Assessment (HRA). Draft versions of these were included in the papers considered at the August meeting of the Cabinet. Both assessments discharge requirements arising from EU Directives and enshrined in domestic legislation. The process to be followed in each case should be iterative so that the plan making process is informed. It is to be expected therefore that recommendations in relation to the Core Strategy should result and be incorporated in the document.

4.10 75 responses were received to the last round of consultation from companies, voluntary organisations and statutory agencies. A short summary schedule of these can be found at **Attachment 5**. Many simply restate matters that were raised earlier in the process, including developers promoting alternative development sites. No changes are proposed in respect of these as they have been considered previously and rejected.

4.11 Some of the statutory agencies have made very helpful suggestions for improving the wording of policies or their supporting text. These have been accepted where appropriate.

4.12 A few parties seek a level of detail that is not appropriate for a Core Strategy. Where this is the case it is proposed that they are rejected.

4.13 Finally, in relation to the Core Strategy, a final Diversity Impact Assessment is included as **Attachment 6**. Due to the limited changes proposed to the Core Strategy this is similar to the interim assessment reported to Cabinet in August.

## 5. **Statement of Community Involvement (SCI)**

5.1 Cabinet authorised public consultation on a revised SCI on 2 August and this took place alongside that for the Publication Core Strategy. As reported then the SCI is a development plan document in its own right but revisions to it are no longer subject to an independent examination. It was originally adopted in

2006 and it is therefore appropriate to update and refresh it. Its formal adoption is a matter for the Council.

- 5.2 There was a very limited response to the consultation but some useful minor changes to the draft have been proposed. A full schedule of responses is set out at **Attachment 7** and a schedule of proposed changes at **Attachment 8**. The full revised text of the SCI can be found at **Attachment 9**.
- 5.3 It is important that the revised document is in force for the examination into the Core Strategy.

## 6. Minor Changes

- 6.1 It will be appreciated that, with the volume of written material involved with this critical stage of the LDF some minor corrections and factual amendments may need to be made prior to formal submission. If this proves to be the case they are likely to be very limited in extent but to cover this situation delegated authority is sought for the Director, in consultation with the Portfolio Holder, to authorise such changes. This will limit any delay in achieving formal submission.

## 7. Risk Management

- 7.1 There are various risks associated with the complex processes involved in preparing the LDF. The most significant of these are considered below.

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	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 has been subject to a fundamental service review and there is continued pressure on revenue budgets	Service review has taken these factors into account

## **8. Consultation**

- 8.1 The results of consultation into both the Publication Draft Core Strategy and revised SCI are considered in sections 4 and 5 of the report above and in the associated attachments.

## **9. Regeneration, Community and Culture Overview and Scrutiny Committee**

- 9.1 The Regeneration, Community and Culture Overview and Scrutiny Committee considered the penultimate draft of the Core Strategy, at its meeting on 4 October 2011. The full minutes are set out in **Attachment 10** to this report.

- 9.2 The Committee agreed to:

- a) Note the contents of the Local Development Framework: Draft Core Strategy;
- b) Note the comments from Members and officer responses and refer these to the Cabinet for consideration;
- c) Recommend that Cabinet proposes to Council the adoption of the Local Development Framework: Draft Core Strategy in due course.

## **10. Financial and legal implications**

- 10.1 As outlined in section 2 of the report 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 30 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. Similar considerations apply to the revised Statement of Community Involvement.

- 10.2 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.

## **11. Recommendations**

- 11.1 That:
- (i) Council be recommended to authorise submission of the Submission Draft Core Strategy to the Secretary of State for Communities and Local Government for independent examination in accordance with the provisions of the Planning & Compulsory Purchase Act 2004.
  - (ii) Council be recommended to authorise adoption of the revised Medway Statement of Community Involvement, incorporating the changes referred to in the report.



- (iii) Publication of the Diversity Impact Statement, final Sustainability Appraisal and Habitats Regulations Assessment be approved; and
- (iv) Delegated authority be granted to the Director for Regeneration, Community & Culture in consultation with the Portfolio Holder for Strategic Development and Economic Growth to make any necessary minor changes to the documents prior to their publication and/or submission.

## **12. Suggested Reasons for Decisions**

- 12.1 To comply with the requirements of the Planning and Compulsory Purchase Act 2004 (as amended) and ensure that there is an up to date spatial planning framework for the area.

### **Lead officer contact**

Brian McCutcheon, Planning Policy & Design Manager. Tel: 01634 331149. Email: [brian.mccutcheon@medway.gov.uk](mailto:brian.mccutcheon@medway.gov.uk)

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)