

# **MAIDSTONE BOROUGH COUNCIL**

## **RECORD OF DECISION OF THE CABINET**

Decision Made: 23 October 2008

### **SOUTH EAST PLAN: RESPONSE TO THE SECRETARY OF STATE'S PROPOSED CHANGES: JULY 2008**

#### **Issue for Decision**

To consider the response to be made to the Secretary of State on the consultation by the Secretary of State on the Proposed Changes to the South East Plan: July 2008.

#### **Decision Made**

1. That the responses as set out under "Maidstone District Housing Level" below and onwards as the Council's formal response to the Secretary of State be agreed; the key points being:
  - To welcome and support many aspects of the new Policy AOSR7: Maidstone Hub. This sets out the role of Maidstone as the county town and a centre of sub-regional significance with emphasis on provision for: high quality jobs and a centre for business, shops and services and transport infrastructure; investment in further and higher education, intensification of technology and knowledge sectors at established and new locations; whilst ensuring Maidstone complements rather than competes with Kent Thames Gateway, and coalescence between Maidstone and Medway Gap urban area is avoided. It provides very helpful policy hooks and basis for bidding for investment and infrastructure to Regional Infrastructure Fund, educational, transportation and other sources of funding.
  - Revisions to the Policy are proposed in the detailed submission because the Policy requires important additions to ensure this investment and growth is balanced with a stress on the delivery of high quality sustainable development and the protection and enhancement of built heritage and the network of green infrastructure within and between the urban areas.
  - To welcome the specific recognition of the need for transport infrastructure, including the Maidstone Hub Package and South East Maidstone Relief Road (sic) in the Policy AOSR7, but to seek corresponding inclusion into the Infrastructure and Transport sections of the Plan and all associated infrastructure and implementation planning. The Policy should also specifically refer to a package of vitally necessary investment in strategic community and green infrastructure.
  - To welcome the amendments to the designations of Maidstone in the Key Diagram reflecting New Growth Point status and Policy AOSR7 but

also seek additional transport “spurs” between Maidstone and Tonbridge/Tunbridge Wells and on to Crawley/Gatwick; to Chatham; to London; and other clarifications and corrections detailed in the response. The Key Diagram appears to suggest that the Chatham and Maidstone co-join whereas the AONB and important strategic gap remain between these distinct urban areas (and which Policy AOSR7 seeks to protect). The Medway Valley Line and A228 provide the basis of opportunity for building important public transportation movement between these Hubs and the Diagrams should be amended to create separation between these urban areas and a short transport “spur” link between them.

- To welcome the amended wording of Policy T13 in relation to Strategic Rail Freight Interchange. Some further amendments are proposed.
  - To note the introduction of universal standards for the strengthening of sustainable design and construction standards and a 10% target for decentralized energy generation, with scope clearly identified for local exceptions to be introduced through LDF where clearly identified to address local circumstances.
  - To challenge the justification of local need and capacity advanced by the Secretary of State to support an increase in the Maidstone district housing figure from 10,080 to 11,080 over the period 2006-2026.
  - To strongly object to the substitution of housing “targets” with “minimum figures”.
  - To strongly object to the dilution for the “conditionality” in Policy CC7 and elsewhere, requiring the provision of infrastructure in advance of development. It is vitally important that local infrastructure plans are produced to ensure timely provision of infrastructure with development and that there is a process to provide the necessary level of assurance to an Examination into Core Strategy and other LDF documents. The proposed change conflicts with the Government’s Sub National review of Economic Development.
  - To strongly object to the deletion of Policy for Strategic Gap. It is noted that Policy AOSR7 includes recognition of the importance of avoiding coalescence between Medway Gap and Maidstone. However, Policies to secure this will need to be developed by the authorities working in partnership through LDF and this will inevitably take time. As a minimum, Strategic Gap policies should be maintained for sufficient time to allow this and avoid the creation of an unintentional Policy deficit.
  - In the event that sufficient evidence of local need and capacity is produced to justify an increase in the Maidstone district housing figure, to seek the extension of the period of the existing Growth Point agreement from 2016 to 2026 with additional funding. In line with Policy CC7, the delivery of the necessary pace and scale of new infrastructure and improved demand management of the existing infrastructure must be secured by an agreed delivery plan.
2. That the Assistant Director of Development and Community Services be given delegated authority to expand the submissions made with evidence and details as necessary.

3. That Officers and Members should advance the case with other Local Authorities in the South East to CLG and GOSE officials and others through appropriate channels.

## **Reasons for decision**

### Documents for consultation

The Secretary of State's Proposed Changes to the South East Plan were published for consultation on July 17<sup>th</sup> 2008. These follow the report and recommendations of the Examination Inspector Panel published in August 2007. The deadline for this consultation is **24<sup>th</sup> October 2008**.

- (i) The following documents are published for consultation:  
A **Schedule of Changes** setting out the proposed changes to be made together with the Secretary of State's reasoning for making the changes
- (ii) A draft **Sustainability Appraisal and Habitats Regulations Assessment** report assessing the Proposed Changes

A separate "Companion Document" is also published showing what the final plan would look like if all the changes were to be incorporated. This is for information and not for consultation.

These documents can be viewed in full at:  
<http://gose.limehouse.co.uk/portal/rss/pcc/consult>

When the Plan is finally adopted by the Secretary of State next year this will become part of the statutory Development Plan together with the Saved Policies of the Maidstone Local Plan and the Maidstone Development Plan Documents on Affordable Housing and Open Space. The South East Plan will set the Regional Spatial Strategy until 2026 with which the Council's emerging Local Development Framework documents should comply.

### The production of the South East Plan

The Regional Assembly's role as Regional Planning Board is to prepare a draft Regional Spatial Strategy (RSS) for eventual adoption by the Secretary of State (SoS). South East of England Regional Assembly (SEERA) published a draft Plan in March 2006 which was subject to Examination in Public (EiP) and that then went to public inquiry. The Council agreed to make a significant number of representations to the Plan and as previously reported, these were agreed in large measure by Inspector Panel report published in August 2007. Most significantly, the Panel confirmed the status of Maidstone as a Growth Point. They included a "Maidstone" policy setting out key spatial strategy objectives for the town, and that further work should be undertaken on the identification of sites for Strategic Rail Freight Interchanges.

The Panel report on the draft Plan was passed onto the SoS for consideration and adoption. The SoS has made Proposed Changes the subject of this consultation, and once having considered the representations made, the SoS will finally adopt a version of the Plan in 2009. At that point the Kent and Medway Structure Plan will cease to have status (unless specific parts are formally saved).

### Brief summary of some of the key changes proposed made by the Secretary of State

The majority of the recommendations made by the Panel have been agreed but from a *Regional perspective* there are some key exceptions including:

- An increase in the regional housing figure to an annual minimum figure of 33,125 from 32,000 in the Panel Report. This takes account of the fact that they consider the Panel's recommendation of 32,000 as the bottom of the range to be appropriate.
- Large increases in the District housing figures for authorities in Kent and the south coast, two Districts with new Strategic Development Areas and many of the Councils with successful growth bids. Those with increased housing figures include Adur, Basingstoke and Deane, Canterbury, Dartford, Dover, Maidstone, Mid Sussex, Reigate & Banstead, Shepway, Swale and Wealden
- Deletion of the Strategic Development Area to the South West of Reading because of concerns about flood risk.
- A new policy on the Thames Basin Heaths to encourage joint working in local authority clusters, taking on board the draft delivery plan.
- Deletion of the Strategic Gap policy in line with PPS7.
- Amendments to policy CC7 and supporting text on infrastructure to dilute the requirement for new infrastructure to be provided in advance and strengthening the requirement for use of existing infrastructure and to encourage demand management.
- Tightening of policies on community and social infrastructure provision and strengthening of policies on green infrastructure, notably in growth areas.
- Amendments to policies (CC4 and others) on water efficiency to align with the building regulations system. Resisting anything above nationally set increases in sustainable construction objectives but provision for targets for renewable energy to be set locally, using SEERA's suggestion of 10% as a starting point.
- Reduction in the length of sub-regional section to enhance clarity and reduce duplication.
- Policy and text close to the recommendations made to the Panel by MBC and KCC in relation to Strategic Rail Freight Interchange, requiring SEERA to prepare regional strategy on the matter.

#### Sustainability Appraisal ("SA")

The SA findings reinforce concerns that environmental limits in the South East are being approached and could conceivably be breached (although this is difficult to demonstrate empirically). Rapid housing and economic development is being promoted in an area that is already subject to significant environmental constraints and pressures.

Particular issues identified at Maidstone (as an area of further proposed housing growth) are the already constrained water supply with over abstraction and licensing in North and East Kent.

#### Further changes *outside* of this current consultation

A further public consultation by SEERA is already underway on a Partial Review of the SEP to identify both regional and district level figures for the provision of sites for Gypsies and Travellers.

Moreover, Government has also been indicated that it will instruct SEERA to carry out a First Review of the SEP, probably commencing in March 2009 (for adoption by the end of 2012) to look at employment land and to test a range of additional housing figures proposed by the National Housing Planning Advisory Unit (NHPAU) that flow from the Barker Reports. It is understood that these will lead to additional housing targets for construction in the period up to 2031.

SEERA is also commencing further work (at the recommendation of the Examination Panel) to look at the hierarchy of town centres, employment land provisions and strategy for Strategic Rail Freight Interchanges and rail freight more generally. Detailed work on infrastructure planning is also about to commence. These matters will all be addressed in the First Review.

#### Key issues arising in the current consultation impacting Maidstone and suggested responses to be made

##### Maidstone district level housing figure

An increase in District level housing figures follows from the increase in regional figure. The original SEERA draft Plan provided for 28,900 dwellings per annum(dpa), the Panel recommended an increase to 32,000dpa. The Government now proposes 33,125dpa to total 662,500 over the period 2006-26.

The Maidstone figure increases to 554dpa and a total 11,080 by 2026. This compares to the range 8,200 – 9,200 cited in the original draft Plan and the 10,080 proposed by Maidstone and agreed by the Panel.

The SoS's justification for applying an additional increase of 1000 to Maidstone is set out at page 124 of the Changes Document, this is broken into quoted elements and then responded to below:

- 1 "The SoS is of the view that as a regional hub and new growth point Maidstone has both a need
- 2 and capacity to accommodate a higher level of dwelling provision.....
- 3 (she) ....accepts the panels recommendation (to support NGP).... but is of the view that this does not adequately meet the need and demand for housing in the area.
- 4 This view is supported by the substantially higher levels of completions achieved in recent years and
- 5 the significantly high housing trajectory of the Maidstone Council."

##### Responses

The justification for the extra 1000 dwellings (50dpa) provided by the SoS is not accepted and challenged as follows:

- 1 No evidence or justification is given for selecting a figure of 1000 dwellings above that agreed by the Examination Panel and supported in evidence by the Council, KCC, SEERA and the Highways Agency, Environment Agency and Natural England in support of the Growth Point agreement.
- 2 The Council's Urban Capacity Study and Preferred Options Core Strategy report evidenced that there was capacity for 10,080 new dwellings in the Plan period only by building approximately 55% on Greenfield sites, at a

scale over and above the Policy average for the region. Capacity for development in and around Maidstone has been thoroughly evidenced. It has a highly constrained high quality landscape with areas of sensitive biodiversity, high flood risk and good quality versatile agricultural land. The maintenance of a high quality of life in the urban area is highly sensitive to congestion, access to services and infrastructure and quality open space. Furthermore, the Sustainability Appraisal produced with the Plan has clearly identified that the water supply in Maidstone is constrained. The Maidstone Growth Point agreement to which the Environment Agency support has been obtained is conditional on careful assessment of the water cycle and full implementation of necessary measures identified such as SUDs. Finally, to increase an average rate of building above 504dpa will be challenging.

- 3 There is no locally focused evidence offered to support these assertions about local need and demand. The Council's existing Housing Needs Study and Balancing Housing Markets Report (to be updated by a Strategic Housing Market Assessment) assess this in detail.
- 4 Recent high levels of completion reflect historically unique opportunities for large urban redevelopments completed at the height of the economic cycle; it will not be possible to sustain such high levels. In addition, all the most readily developable urban sites have now been redeveloped since the introduction of PPS3 in 2000, meaning that new development must take place on the more challenging urban and infrastructure constrained Greenfield sites.
- 5 The Council's housing trajectory is not "significantly high" – the current housing trajectory published in the Council's 2007 Annual Monitoring Report shows that delivery over the 20 year period to 2026 will exceed the target of 10,080 by 18 units. In addition, the trajectory demonstrates that the rate of delivery can be maintained (with a rolling five year supply of housing sites) but that it would be exceedingly challenging to increase the rate of delivery because of the infrastructure constraints to be overcome.

In the light of the additional burden placed upon Maidstone and absence of evidence to the need or capacity to accommodate the addition, the Council is firmly of the view that the housing target should remain at 10,080 with an average annual completion rate of 504dpa.

#### Proposed Changes to Policy CC7 on infrastructure and the continuation of New Growth Point funding and a delivery plan

In justification of the increase in housing figures the Proposed Changes document notes at pg110, para 5 "The Secretary of State is of the view that policy on long term housing provision needs to allow for the continued expansion of the Sustainable Communities Plan Growth Areas, the maintenance of the New Growth Point agreement levels of delivery post 2016 and any proposals confirmed under the eco-town and new growth point programme." Changes in Policy CC7 address the management and delivery of infrastructure to address a dilution of "conditionality" of new development on infrastructure but it is vital that a system of infrastructure plans is established that can provide the necessary level assurance to Independent Examinations into Core Strategies and other local development documents, and development control decisions, that the necessary infrastructure will be delivered on time. Core Strategies require appropriate level of assurance for phases of development for up to 15-20 years ahead.

#### Response

The Growth Point agreements between the local authorities and Government acknowledge that Growth Point levels of housing delivery require additional funding. Continuation of the delivery of New Growth Point levels of development will therefore require continuation of the agreements post 2016 to 2026. This should be made clear in the Plan and facilitated.

In the event that the housing figure for Maidstone is increased to 11,080, it would be necessary to review funding levels upward to address the additional costs of the additional 1000 housing over and above agreement levels.

Critical will be agreement of a delivery plan along side the LDF and before development begins, to ensure the necessary scale and pace of new infrastructure and release of capacity from existing infrastructure through demand management (Policy CC7 refers) . A particular concern identified in the SA to the SEP arising from the now proposed increase is the provision of necessary water supply and discharge.

The weakening of policy CC7 regarding infrastructure provision flies in the face of the recommendations in the Sub National Review of Economic Development which notably states that:

6.45 "The Government is also committed to developing suitable mechanisms for 'front funding' infrastructure at an early stage of development and will continue to work with stakeholders to develop innovative financing solutions to support housing growth and promote sustainable regeneration that are effective and offer good value for money."

#### Housing "target" replaced by "minimum" "figures"

Regional housing provision has been increased to "at least" 662,500 dwellings 2006-2026 or an average annual "figure" of 33,125.

#### Response

The words "at least" bring about a major weakening in the operation of policy to bring about sustainable development and must be removed from Policy H1. It has never been the case that strategic housing targets are rigidly enforced as ceilings, but they have provided a sound and tested basis on which local authorities could prepare their local plans, with infrastructure providers planning accordingly. The introduction of minima in Policy H1, coupled with the requirements of Policy H2, and the absence of mechanisms to manage growth such as phasing policies and windfall allowances, place at risk the RSS's own spatial strategy and the delivery of sustainable growth. In fact, other policies within the Proposed Changes (e.g. CC7 'Infrastructure and Implementation' and the supporting text to NRM2 'Water Quality') assume that development can/will be phased. Minimum housing targets make it very much harder to integrate planning for housing and affordable housing delivery. The region's advice on the Regional Funding Allocation for housing will be based on planned levels of housing provision. It will be much harder for the region to make a robust case when there is less certainty about the scale (and distribution) of housing provision. There will be similar issues in terms of targeting the NAHP. The South East has made a point of agreeing a Regional Housing Strategy which seeks to help deliver the Plan by aligning the broad distribution of NAHP funding with the Plan's spatial strategy. The use of minimum housing targets and the lack of certainty it will inevitably introduce, will make this much more difficult to achieve. The housing provision figures in Policy H1 should be expressed as totals and averages per annum. We also note the recommendation of the Sustainability Appraisal, that 'at least' should be deleted or housing provision made contingent on the delivery

of adequate infrastructure. In Maidstone there is a particular concern about water supply and over abstraction.

#### Policy T13 : Rail Freight

The Plan addresses freight movement through the region "as a key issue arising from its gateway function. Freight movement within the region is also a key consideration on facilitating continued economic success. Whilst the majority will continue to be carried by road, rail freight has an important role to play in a number of markets offering lower impact to road freight." (para 8.35-36).

Para 8.37 notes (revisions introduced by the Proposed Changes underlined):

"Areas of search for potential sites should be identified in partnership between rail and road network operators, local authorities and the logistics industry. Potential sites for new intermodal interchange terminals will need to meet a number of criteria. In particular they must:

- be of sufficient size and configuration to accommodate an appropriate rail layout, transfer operation and value added activities
- be already rail connected or capable of rail connection at a reasonable cost
- have adequate road access or the potential for improved road access
- be situated away from incompatible land uses.

8.38 Suitable sites are likely to be located where the key rail and road radials intersect with the M25".

A revised Policy T13 has been included:

#### "POLICY T13: INTERMODAL INTERCHANGES

The Regional Assembly should work jointly with DfT Rail, Network Rail, Highways Agency, Freight Transport Association and local authorities, to identify broad locations within the region for up to three intermodal interchange facilities. These facilities should have the potential to deliver modal shift and be well related to:

- (i) Rail and road corridors capable of accommodating the anticipated level of freight movements
- (ii) The proposed markets
- (iii) London"

#### Response

Important changes to the Policy and text (underlined) proposed by the panel are agreed by the SoS. These amendments should be welcomed. In addition, the first sentence of T13 should refer:

- o to the need to also work with the Greater London Assembly and East of England Assembly to ensure a sensible strategic approach to this cross boundary issue.
- o And the areas of search should not be restricted to the "region" as stated and consider the "wider southeast" including sites within relevant parts of East of England and all of Greater London.

## Key diagram

The Plan includes a Key diagram and Transport Hubs diagram T2 both showing Maidstone as a Regional Hub with transport Spurs leading to it, and designations as a Primary Centre as previously. The amended diagram also now shows Maidstone as a Growth Point but other points made previously have been ignored.

## Response

The additions to the Key Diagram and Diagram T2 and consequent strategy are welcome. However, it is important that further changes are made to these Diagrams to increase clarity, correct errors and better reflect the strategies of the Plan.

- Additional Spurs between the Regional Hubs of Maidstone and Tonbridge/Tunbridge Wells to the south, and Chatham and the Medway Towns to the north should be shown. This corridor passing through Maidstone carries the Medway Valley Line (shortly to start) running between Stood and Tonbridge, and the A228 to Chatham in the north and Tonbridge/Tunbridge Wells to the south. This rail line offers great opportunity for strategic orbital rail movements and the roads for express bus movements, from the Kent Thameside growth area, through Maidstone, onto interchange opportunities at Tonbridge and on around to Crawley, Gatwick Airport and beyond. Tunbridge Wells and Maidstone house important destinations for one another including the new hospital investment to serve the Maidstone and Tunbridge Wells NHS Trust area located at Tunbridge Wells.
- The Key Diagram appears to suggest that the Chatham and Maidstone co-join whereas the AONB and important strategic gap remain between these distinct urban areas (and which Policy AOSR7 seeks to protect). The Medway Valley Line and existing express bus route on the A228 provide opportunity for building important public transportation movement between these Hubs. The Diagrams should be amended to create separation between these urban areas and a short transport "spur" link between them. This would be consistent with AOSR7 ((vi) where concern about congestion between Maidstone and Medway is addressed.
- The Diagrams include a "spur" to Sevenoaks. The only direct link this could reflect is the road route M20/M26/M25. For clarity and accuracy, an additional "spur" or a split into a second "spur" direction should also be added to reflect the important movement from Maidstone north westwards continuing towards London on the M20/A20 and M25/Dartford Crossing on the M25, and the Ashford-Maidstone East- London railway line. Given the imminent introduction of CTRL domestic services, which will bypass Maidstone, it is doubly important to show the importance of enhancing the use of the existing network to the Hub of Maidstone.

The Diagrams are unclear in that they imply that the "spurs" from Canterbury and Manston Airport on the M2 /A2 feed directly to Maidstone Hub. They do not, the connection between the M2/A2 and M20 Maidstone is achieved via the A249. The Diagram should be amended to more clearly show the significance of the connection provided by the A249 corridor. There are good opportunities for the development of express bus services between Maidstone and Rochester area using this "spur".

## Maidstone Policy

The Plan includes a Maidstone Policy. With regard to the towns' status, regeneration, transportation and economic development goals the Maidstone Policy in the SE Plan is enormously helpful and one that should be welcomed. It gives us policy hooks to bid for Regional Infrastructure Fund, lobby for FE and HE centres and will help us bid for University Challenge Funding. It will help make the case for the release of land for high quality employment businesses in high value sectors. However, whilst the Plan should be read in the "round" and the Policy read in the context of other Policies on balancing matters, the Policy is weak in that certain critically important matters distinctive to the circumstances of Maidstone should be included also to provide a sustainable policy strategy for Maidstone.

The Maidstone Policy and supporting text, **should be amended** with additions at clauses (i), (ii), (vii) and a new clauses (viii) and (ix) underlined below:

### POLICY AOSR7: MAIDSTONE HUB

The Local Development Framework at Maidstone will:

- (i) Make new provision for housing consistent with its growth role, including associated transport, community and green infrastructure .
- (ii) Make new provision for employment of sub-regional significance, with an emphasis on higher quality jobs to enhance its role as the county town and a centre for business. The concentration of retail, leisure and service uses at the centre will allow close integration between employment, housing and public transport and significant enhancement to the built environment and the public realm.
- (iii) Confirm the broad scale of new business and related development already identified and give priority to completion of the major employment sites in the town.
- (iv) Make Maidstone the focus for expansion and investment in new further or higher education facilities.
- (v) Support high quality proposals for intensifying or expanding the technology and knowledge sectors at established and suitable new locations.
- (vi) Ensure that development at Maidstone complements rather than competes with the Kent Thames Gateway towns and does not add to travel pressures between them.
- (vii) Avoid coalescence between Maidstone, Medway and the Medway Gap urban area.
- (viii) Ensure high quality sustainable development which is well located and protects and enhances the town's built heritage and the unique network of multi-functional green and blue infrastructure within and between the urban areas.
- (ix) Will incorporate innovative and community scale sustainable development schemes, including decentralized energy production, water cycle management and the reinforcement of landscape and natural habitats as a necessity, to address the particular environmental circumstances identified in the locality."

Maidstone is the county town of Kent, and serves as the focus for administrative, commercial and retail activities. It is designated as a hub under Policy SP2 of this Plan as it is well related to rail and road networks and serves as an interchange point between intra and local rail services. However, it sits in a high quality landscape and bio-diverse environment (valued under Policies including C3, C4, NRM5). It also offers opportunities for urban regeneration and renaissance and suburban renewal (Policies BE1 and 3 refer) where a high quality of urban living must be enhanced, and the creation of new developments of sustainable new communities. An indicative 90% of new housing at Maidstone should be in or adjacent to the town. Associated infrastructure to support growth should include the South East Maidstone Relief Route and Maidstone Hub package and green infrastructure. Innovative and community scale sustainable construction schemes should be investigated and developed as a necessity to respond to the particular environmental circumstances of the area, for example, responding to flood risk and the use of SUDs to combat water supply stress . Local Authorities should investigate the need to avoid coalescence of Maidstone with Medway and the Medway Gap urban areas and introduce appropriate protections through LDFs.

#### Response

The revisions reflect many of the submissions by this Council and should be expressly supported. However, the Policy should be amended, as above, to include important additions to ensure a balance in the delivery strategy. The additions reflect objectives stated elsewhere in the Plan (for example, seizing the opportunity for sustainable construction/generation identified in Policy NRM11) but will provide useful application to the Maidstone Policy. Further, the references to South East Maidstone Relief Road (sic) and Maidstone Hub Package should also be reflected in all relevant infrastructure and transport policies and the implementation and infrastructure plans associated with the SEP.

#### Strategic Gap

Policy towards **strategic gaps** is **deleted** notwithstanding Panel's recommendation for its retention albeit in an amended form. Government invokes national policy guidance (PPS7) and argues that:

- a) at a regional level it is open to regional bodies to review green belt and with this in mind no justification is seen for a second tier of designation to address local circumstances
- b) Locally, Government wants a more proactive approach setting out where development will be promoted rather than listing where it will be prevented

#### Response

To strongly object to the deletion of Policy for Strategic Gaps. It is noted that Policy AOSR7 includes recognition of the importance of avoiding coalescence between Medway Gap and Maidstone. However, Policies to secure this will need to be developed by the authorities working in partnership through LDF and this will inevitably take time. As a minimum, Strategic Gap policies should be maintained for sufficient time to allow for this and avoid the creation of an unintentional Policy deficit and a weakening of acknowledged and important protections.

## Sustainable development, energy and green infrastructure

The Government has not accepted the Panel's recommendation (Policy CC4) to endorse local introduction of more demanding building sustainability. This reflects the Government's application of a national programme of stepped reductions in carbon emissions for residential and commercial building introduced in the PPS1 Supplement, Building Regulations and the Treasury. However, these standards will now likely be superseded by increased requirements to be introduced by the new Energy and Department of the new Climate Change. The Plan does identify scope for clearly justified exceptions to be applied in advance of the national timetable on specific sites or areas only and where identified in a DPD.

A more innovative approach is encouraged to decentralized local and on-site energy production using low carbon and renewable sources. Policy NRM11 proposes for consultation a 10% requirement for developments in excess of 10 dwellings/1000 sq. metres, with the possibility for DPDs to set local variations upon this and guidance through SPD. Emphasis is placed on green infrastructure, particularly in the growth areas, and Policies do identify a critical need for water infrastructure planning in much of north and east Kent including Maidstone.

### Response

The general thrust for universal stepping standards with scope for LPAs to make local clearly justified exceptions is welcome. The proposed addition to the Maidstone Policy utilizes this opportunity. These parameters should be reflected in the Council's LDF Core Strategy and Local Development Scheme work programme.

## **Alternatives considered and why rejected**

This is the sole opportunity for the Council to comment on the Secretary of State's Proposed Changes to the South East Plan.

## **Background Papers**

*Background documents are all available and listed on the GOSE web site and comprise:*

- *Comments Form*
- *Companion Document*
- *Consultee Letter*
- *Copy of letter to the Regional Assembly*
- *Maps Annex to the Proposed Changes*
- *Press Notice*
- *SoS Proposed Changes Companion Document*
- *SoS Proposed Changes*
- *Sustainability Appraisal and Habitats Regulation Assessment Final Report*
- *Sustainability Appraisal and Habitats Regulation Assessment Non Technical Summary*

<http://gose.limehouse.co.uk/portal/rss/pcc/consult?tab>

These documents are available at the Council offices.

The Cabinet determined their decision was urgent because the deadline for receipt of responses is 24 October 2008. In accordance with paragraph 18 of the Overview and Scrutiny Procedure Rules of the Constitution, the Mayor, in consultation with the Head of Paid Service and the Chairman of the Regeneration and Sustainable Communities Overview and Scrutiny Committee agreed that the decision was reasonable in all the circumstances and should be treated as a matter of urgency and not be subject to call in.