

# TONBRIDGE & MALLING BOROUGH COUNCIL

## LOCAL DEVELOPMENT FRAMEWORK STEERING PANEL

08 October 2008

### Report of the Director of Planning, Transport and Leisure

#### Part 1- Public

#### Matters for Recommendation to Cabinet - Non Key Decision

### **1 MANAGING DEVELOPMENT AND THE ENVIRONMENT DEVELOPMENT PLAN DOCUMENT (MDE DPD) – THE CHOICES**

#### **Summary**

**Public consultation on the Issues and Options Report took place in the spring and a Sustainability Appraisal of the Options has been undertaken. This report seeks a steer from Members on the direction and content of the MDE DPD in the light of the response to public consultation and the recommendations of the Sustainability Appraisal.**

#### **1.1 Purpose of Report**

- 1.1.1 The Managing Development and the Environment Development Plan Document (MDE DPD) is one of four DPDs which, together with various existing and proposed Supplementary Planning Documents (SPD), comprise the Council's Local Development Framework (LDF). In February this year the Council approved an Issues and Options Report for the purposes of public consultation. The aim of that report was to scope the content of the MDE DPD, to ensure the Council had identified all of the issues and to elicit views on the choices. An independent Sustainability Appraisal of the options was also undertaken.
- 1.1.2 Work on preparing the MDE DPD is now at an advanced stage. A preliminary draft is currently the subject of Sustainability Appraisal and sections of the plan are being subject to targeted consultation with relevant stakeholders. This is in line with the revised Regulations that require early and on-going consultation before the plan is approved for submission.
- 1.1.3 The purpose of this report is therefore for Members to provide a steer on the main issues before the document is finalised, having regard to the response to public consultation on the Issues and Options Report and the Sustainability Appraisal of the Options.

#### **1.2 Public Consultation**

- 1.2.1 Public Consultation on the Issues and Options took place between 14 March and 2 May 2008. The Issues and Options Report was published on the Council's

Website and made available for public inspection during this period at the Council Offices and at all libraries in the Borough. Complementary copies of the Report were sent to certain consultees and others were notified of the publication of the Report. There was a non-statutory Press Notice and a News Release.

**Stakeholder Workshops** took place on 22 and 28 April and 22 May. Notes of the Workshop discussions are reproduced under **Annexes A, B and C**. Various meetings also took place with other specialist advisors.

- 1.2.2 Following on from the public consultation exercise all members of the Council were invited to attend a **LDF Workshop** on 17 July 2008. The purpose of the Workshop was for members to discuss informally the issues and options in the light of the response to consultation and to provide your officers and this meeting with a steer on some of the main issues. It was a most productive evening, the conclusions of which are summarised under **Annex D**.
- 1.2.3 The Issues and Options Report contained a number of Questions which were reproduced in a Questionnaire. The Questionnaire included a number of closed Questions with Yes/No answers, a number of options where a choice had to be made and a number of open questions inviting a free text response.
- 1.2.4 Accompanying this report is a separately bound **Response to Consultation** document setting out a summary of all of the representations received and a recommended response. The first part of this document synthesises all of the main issues raised by respondents in the same order and format as the original questionnaire. It is similar to the paper Members had before them at the LDF Workshop except that it now has a column indicating, in general terms, what the Council's recommended response should be.

### **1.3 Sustainability Appraisal**

- 1.3.1 An Interim Sustainability Report was prepared to accompany and inform public consultation on the issues and options. The conclusions are summarised in **Annex E**. It was itself subject to public consultation alongside the Issues and Options Report but no specific comments were received.
- 1.3.2 As mentioned above, a Sustainability Appraisal of the evolving DPD is also being undertaken. The first iteration of the Sustainability Appraisal is likely to include recommended mitigation measures. The intention is that these recommendations will be taken into account before Members consider the draft Plan so that when the draft Plan is recommended for adoption it is one that is accompanied by a generally supportive Sustainability Appraisal.

### **1.4 The Main Choices**

- 1.4.1 The following sections of this report go through each of the Themes in the Issues and Options Report and provide an indication of your officers' current thinking on the content and direction of the document having regard to the response to

consultation. The aim is for Members to confirm or otherwise in each case that the broad direction of the document is what they would wish to see.

### ***Questions in the Introductory Section***

- 1.4.2 The Questionnaire included a series of general contextual questions within the Introductory Section of the Issues and Options Report. The responses to these questions (as summarised in the Response to Consultation document) have generally informed the content and direction of the Plan. Specifically, the response to Question 1, which asked whether we had correctly described the Borough's locally distinct features, has been taken into account in revising this assessment which will now be included in the Introduction to the Plan. Likewise, constructive comments received in response to Question 10 about the draft objectives for the plan have also been taken into account in refining those objectives.
- 1.4.3 In response to Question 8, the majority (65%) of respondents considered that the Council had identified all of the relevant issues and options, but some additional issues were identified and many of these have now been taken on board, though some are considered to be adequately covered by Core Strategy, national or regional planning policies. The recommended position in respect of these additional issues is set out in the Response to Consultation document.

### ***Theme 1- Climate Change***

- 1.4.4 The Code for Sustainable Homes (CSH) is a set of environmental standards designed to improve the overall sustainability of new homes. It includes a series of levels of achievement. The Government proposes to revise the Building Regulations so that by 2010 they will be the equivalent of Code Level 3 in the CSH. By 2013 the requirement will be to Code Level 4 and by 2016 Code Level 6, which is effectively zero-carbon development. The Government provides local authorities the opportunity, through the LDF, to advance these requirements where justified by local circumstances.
- 1.4.5 In response to consultation on the Issues and Options Report there was considerable support (67%) for the Council to adopt the higher standard of Code Level 4 at an earlier time than 2013, though this was tempered by concern from some that this should only be a requirement where this was viable otherwise the requirement could stifle housing development. There were those, most notably the CPRE, that considered the requirement should be set higher at an even earlier stage.
- 1.4.6 In the light of the response to consultation and the particular local circumstances of the Borough in terms of water deficiency we believe there is a case for the Council to seek to achieve Code Level 4, certainly in respect of energy and water efficiency, for all housing development by 2010 (ie by the time the plan is adopted and three years earlier than the Government requires) unless it can be demonstrated that this is not viable. This is in line with the recommendations of the Sustainability Appraisal. 85% of respondents also considered that the Council

should seek similarly high standards for all non-residential development. It is intended that a policy be framed on the basis of requiring all new residential development to be built to Code Level 4 and all new non-residential development above 1000m<sup>2</sup> to be built to the BREEAM “Very Good” standard unless demonstrably not viable to do so.

- 1.4.7 In helping to achieve energy-efficient developments detailed consideration also needs to be given to layout, building orientation, massing and landscaping. The Issues and Options Report asked the Question as to whether we should simply rely on the advice currently available in Kent Design or whether a policy in the MDE DPD was necessary. The majority (88%) view was that a policy in the MDE DPD would be helpful and it is therefore intended to include such a policy which will be supplemented by Kent Design. This approach is supported by the Sustainability Appraisal.
- 1.4.8 As well as ensuring developments are designed as energy-efficiently as possible, it is also important to make sure that the energy demands during the lifetime of a development are met in a sustainable way. The South East Plan is supportive of harnessing a significant amount (10%) of a development’s energy requirements on-site from renewable sources and this is reflected in Policy CP1.4 of the Core Strategy. The issues and Options consultation asked whether this was sufficient or whether the MDE DPD should contain a specific policy on this matter, and, more particularly, whether the percentage requirement should be set at a level above 10% (Question 12) and whether the thresholds in the South East Plan of 10 dwellings and 1,000 sq m for commercial development were appropriate (Question 13).
- 1.4.9 The majority of respondents (69%) considered that we should be seeking a higher percentage than 10% in Tonbridge and Malling. There was less clarity on whether the thresholds were appropriate. We do not have the evidence to argue that a specific figure in excess of 10% should be applied in Tonbridge and Malling and indeed to do so would take the plan out of conformity with the Core Strategy. However, there is no reason why the policy should not seek to encourage higher levels of energy production from renewable resources and it should therefore be phrased so as to require at least 10% of energy to be produced on-site in this way. Insofar as thresholds are concerned, we believe there is a justifiable case for the residential threshold to be set a level lower than 10 dwellings because, for example, over three quarters (77%) of extant planning permissions for housing are for sites of less than 5 dwellings. It is therefore proposed to set the residential threshold at a level of a single dwelling where this is viable. The Sustainability Appraisal found the application of such a policy to all developments to be the most sustainable solution.
- 1.4.10 The issues and Options Report asked how the Council could best encourage the development of alternative energy in the Borough in a way that does not impact adversely on the environment. The majority (80%) felt that the MDE DPD should include a policy encouraging alternative energy developments (biomass power,

combined heat and power units, wind farms, energy from waste [including anaerobic digestion] and hydro-electric power, etc) subject to no adverse impact on landscape, amenity, or the natural, historical and cultural environment. The Sustainability Appraisal supported this approach provided it was not too restrictive. Otherwise, it may restrict the amount of renewable energy development coming forward.

- 1.4.11 Question 14 specifically asked under what circumstances should the need for harnessing a significant amount of energy from renewable sources take precedence over landscape protection. The public response to this question is summarised in the Response to Consultation document and confirms my view that so specific would be the issues relating to any particular proposal that each would have to be considered on a case-by-case basis on their individual merits in the context of other generic policies (eg AONB or Green Belt). Under the circumstances, we do not propose that there should be a policy in the MDE DPD specifically dealing with the issue of alternative energy development.
- 1.4.12 The Issues and Options Report asked whether there was a need for a specific MDE DPD policy on waste minimisation. The majority of respondents (85%) and the Sustainability Appraisal thought that there should be. It is therefore proposed that the MDE DPD should include a policy which not only requires new developments to be designed and constructed so as to minimise waste production through the re-use of demolition materials (something particularly relevant in circumstances where almost all of the development in the Borough is on brownfield sites), but will also require that such developments are designed to facilitate the on-site storage, re-use and recycling/composting of waste.
- 1.4.13 In terms of Sustainable Drainage, the Issues and Options Report asked whether the MDE DPD should include a policy requiring the incorporation of Sustainable Urban Drainage Systems (SUDS) in order to minimise direct run-off from buildings and hard surfaces. The majority of respondents (96%) believed that we should, but the Environment Agency and Water Companies emphasised that, for technical reasons, SUDS were not practicable everywhere and that account needs to be taken of the long term maintenance implications of their installation. It is proposed to include such a policy but having regard to these concerns.
- 1.4.14 The Issues and Options Report then asked how we can ensure that developments achieve a high level of water efficiency. It asked whether the Core Strategy and Kent Design were sufficient or whether a specific policy in the MDE DPD was necessary requiring developments to meet at least Code Level 4 of the CSH. The majority of respondents (82%) thought that there should be a dedicated policy and this was supported by the Sustainability Appraisal. It is considered that the general Policy requiring all developments to meet Code Level 4 of the CSH in relation to energy efficiency can subsume the requirements in relation to water efficiency.

- 1.4.15 Question 15 in the Issues and Options Report asked whether we should include a policy encouraging local winter water storage on farms and other sustainable farming practices which reduce summer abstraction, diffuse pollution and run-off, increase flood storage capacity and benefit wildlife and recreation. 100% of respondents and the Sustainability Appraisal believed that we should include such a policy but the detailed responses in the Response to Consultation document make it clear that it should not be confined to agricultural uses, and that, for example mineral workings can provide reservoirs and at the other extreme, water butts perform the same function locally. A more general policy, encouraging water storage in the interest of minimising abstraction from existing water resources in the summer, is to be included, having regard to the specific concerns expressed by the consultees.
- 1.4.16 The last question under this Theme addressed the issue of minimising solar gain in summer. In response, the corollary was put that we should be seeking to maximise solar gain in winter and that this was not something that should be considered in isolation from the general issue of passive solar design. Although found to be beneficial in the Sustainability Appraisal, it is considered that this is a matter adequately covered by the proposed policy relating to energy efficient layout and design. No specific policy is therefore proposed.

### ***Theme 2 – Development in the Countryside***

- 1.4.17 The Issues and Options Report identified the control of Development in the Countryside as an important issue. In response to consultation the majority of respondents (71%) considered that the Council should include policies on this subject in the MDE DPD rather than rely upon national, regional and Core Strategy policies and this is supported by the Sustainability Appraisal. In response to Question 16 a number of Structure Plan and Local Plan policies were suggested for carrying forward into the MDE DPD. The majority of these will be, although their precise wording may need to be changed.
- 1.4.18 Question 17 asked whether there were any other topic areas that need to be addressed that are not covered by existing saved policies. The main area referred to is agriculture as an industry. This issue is generally considered to be adequately covered by PPS7, though the MDE DPD will include policies on farm diversification, equestrian activity, the use and re-use of rural buildings and tourism and leisure uses in the countryside. A full list of policies to be included in this chapter is included under **Annex F**.
- 1.4.19 Question 18 asked whether policies to control development in the countryside should be based on character areas, be topic-based (as at present) or a combination of both. The majority (64%) felt that they should be a combination of both. This is, in effect the approach that it is intended should be adopted, whereby the various topic-based policies will rely upon a comprehensive Borough-wide Character Area Appraisal (which will be prepared as a Supplementary Planning Document) for their full interpretation.

### ***Theme 3 – The Natural Environment***

- 1.4.20 The Borough Council has a statutory duty to conserve and enhance biodiversity and the natural environment. This Theme identified an incremental sequence of options, ranging from Option 1 which sought only to protect existing identified sites, though to Option 4 that not only did this but also included the protection of ancient woodland and the creation of new habitats and locations or sites for multi-functional open space aimed principally at improving connectivity. Option 4, which was supported by most respondents (73%) and the Sustainability Appraisal, would aim to meet recreation/leisure needs as well as meeting biodiversity objectives. This preference is reinforced by the responses to Questions 21 and 22.
- 1.4.21 Questions 19 and 20 asked whether all of the Local Wildlife and Geological sites identified in the Issues and Options Report should be included in the MDE DPD for protection and, if so, whether their boundaries are correct. Most respondents (91%) considered the list to be correct. Some additional sites have been suggested which are currently being investigated by the Kent Wildlife Trust. The justification for and extent of sites at Oaken Wood and at East Peckham Pit have been challenged by the minerals operators but the advice from Kent Wildlife Trust and Kent RIGS Group, which we accept, is that they are correct. The Wildlife Trust and Kent RIGS Group will be expected to support the Council and provide the necessary evidence if this matter is pursued to the Public Examination.
- 1.4.22 Question 24 asked whether there should be a locally-based Tonbridge and Malling Biodiversity Action Plan (BAP). Whilst the majority of respondents (65%) said there should be, the response rate to this question was low and the consensus view of the technical consultees was that it was not essential and that identifying which Kent BAP Actions were relevant to Tonbridge and Malling and actively taking these forward would be more productive and this is a view that I share. Question 25 asked whether we should include a general policy in the MDE DPD requiring all appropriate development proposals to assess potential opportunities for the conservation and creation of biodiversity habitats and to protect habitats and species of importance. The majority of respondents (81%) thought that we should, and a policy to this effect is proposed to be included.
- 1.4.23 The net result is that it is proposed that the Natural Environment Chapter will include 4 policies:-
- The first will seek to protect the existing locally designated sites and require adequate compensation where exceptionally development is allowed;
  - The second will seek generally to protect and enhance the biodiversity of the Borough and in particular will establish a habitat network which will identify in general terms broad opportunity areas for habitat creation within the wider Green Infrastructure network;

- The third will be a general policy addressing the impact of development on biodiversity including the need for compensation and mitigation where appropriate;
- The fourth will deal with maintaining and enhancing tree, woodland and hedgerow cover in the Borough and in particular the protection of Ancient Woodland.

#### ***Theme 4 – Local Character and Theme 5 – Historic Environment***

- 1.4.24 I deal with these two themes together because that is the way they are now proposed to be treated in the evolving DPD. The Local Character Theme dealt with the issues of Landscape and Townscape Character and with Quality of Life issues in town and country. The latter included such matters as noise, light, air and water quality, pollution and contamination and crime and disorder which all add up to people's perception of the quality of the local environment.
- 1.4.25 There was considerable support (68%) for Option 2 that promoted the idea of comprehensively identifying and appraising Urban and Landscape Character Areas throughout the Borough and this is the approach that I commend to you. It is supported by the Sustainability Appraisal and members supported this approach at the July LDF Workshop (see **Annex D**). The intention would be that such Character Area Appraisals would be carried out in parallel with the preparation of the MDE DPD such that they would be ready for adoption as SPD as soon as practicable after the adoption of the MDE DPD. They would eventually cover the entire Borough and would provide the detailed fine-grained context for the determination of planning applications and for the bringing forward, where necessary, of enhancement schemes within the context of over-arching policies in the DPD. Importantly, it would be the SPD that would make the MDE DPD locally distinctive. In my view this is potentially one of the most useful and practical pieces of policy development we can advance in terms of setting the detailed framework for development control decisions.
- 1.4.26 What this would mean is that specific Areas of Special or Historic Character will no longer be identified on the Proposals Map but instead areas such as these will be identified and evaluated in much more detail in the SPD which would also identify areas of poorer character where enhancement might be required. Questions 26, 27, 32 and 33 asked whether the existing areas of special or historic character were still appropriate, whether their boundaries are correct and whether any areas should be added. This is now not relevant bearing in mind the recommended way forward. All of these areas, including the suggested new ones, will be evaluated as part of the Character Area Appraisals. The only exception is Historic Parks and Gardens which will continue to be specifically identified alongside Conservation Areas and covered by a dedicated policy.
- 1.4.27 Questions 28 and 31 asked whether there was a case for carrying forward any of the Structure Plan or Local Plan policies relating to Local Character and Quality of



Life issues. Many of them will be (see **Annex F**) though their precise wording may be changed. The reasons for not taking forward some of the suggestions are set out in the Response to Consultation document. Questions 29 and 30 asked what Quality of Life polices are required and what design criteria are required to contribute to the achievement of the highest quality of life in the Borough. The suggestions put forward have been paid regard to in deciding what to include in this chapter and in framing the draft polices. Where this is not the case the reason is explained in the Response to Consultation document. In some cases it is the view that national or regional planning policies will suffice.

- 1.4.28 The net result is that we are proposing to deal with all of the main policy issues relating to the quality of the environment and development in a single Chapter to be entitled Spatial Quality. As indicated under **Annex F** this includes a suite of development control policies ranging from air and water quality through to crime and disorder.

### ***Theme 6 - Open Space***

- 1.4.29 Policies on Open Space provision and protection are being developed in accordance with the advice in PPG17 and having regard to the draft Open Space Strategy that was subject to targeted consultation at roughly the same time as the Issues and Options Report. The intention is that Open Space Strategy will be reported back to the Leisure and Arts Advisory Board on 13 October and to the Planning and Transportation Advisory Board on 20 October so that it can be adopted in its revised form as a material consideration for development control and to inform the content of the MDE DPD. In this respect, it is essential that the planning policies in the MDE DPD and the sites to which they apply are identical to those in the final version of the Open Space Strategy.
- 1.4.30 The first issue identified in the Open Space theme was the issue of protecting high quality/high value open spaces which is supported by the Sustainability Appraisal. Question 34 asked whether the right sites had been included. In response a number of additional sites and changes to categorisation have been suggested. Our recommended response in each case is set out in the Response to Consultation Document. Question 35 asked whether the scope of such protection should be extended to civic spaces such as town squares, piazzas, etc. Whilst there was general public support for such an approach, there were few suggestions as to what sort of spaces in the Borough it could apply to. Having considered the matter it is clear that this type of space is unlikely to be subject to threat and there would therefore be little point in having a protective policy. Their amenity value would be identified through the Character Area Appraisals and, if necessary, proposals for enhancement could more appropriately be brought forward through that process.
- 1.4.31 The next issue in the Open Space theme was whether anything could be added to the option of including a policy which would require open space lost as a result of development to be replaced elsewhere by an open space of equivalent or better

quality and quantity. A number of useful suggestions were put forward in response to Question 36 which have been paid regard to in formulating the policy. The Sustainability Appraisal found the option to be broadly sustainable but suggested that any replacement open spaces should be accessible to areas of deficiency. This has been taken into account in framing the policy.

- 1.4.32 The next issue was whether anything could be added to the option of protecting, and where necessary enhancing, open spaces of low quality but high value and whether the sites in the list had been correctly categorised. The response to the representations received is included in the Response to Consultation document. Question 39 asked whether a policy of enhancing low quality/low value open spaces should only apply in circumstances where it can be demonstrated that enhancement will improve the value of that open space. The majority (90%) of respondents thought that this should be the case. The next question (Question 40) proved to be the most controversial question in the whole Issues and Options Report because it asked which, if any, of the open spaces categorised as being of both low quality and low value should be released for non-recreational purposes. In nearly every case at least one person argued strongly that a particular open should not be lost.
- 1.4.33 In the light of the responses it is proposed that the Open Space chapter of the MDE DPD will include a policy which will seek to preserve all open spaces in the high quality/high value category and preserve and enhance open spaces found to be of lower quality whether in the high value or low value category. The logic being that enhancement of a low quality facility would be aimed at increasing its value to the community. The Policy will also establish strict criteria for replacement facilities should any existing open space be lost to development.
- 1.4.34 There was strong objection in most cases to any suggestion of losing allotments and in most cases a challenge to the categorisation of some of them as low quality/low value. The point was made that in most cases these are statutory allotments owned by Parish Councils who are bound to provide allotments if there is a demand. If they were to be disposed of in periods of low demand then they might subsequently be forced to buy land and provide new allotments if the demand were to increase again. It was suggested that the pragmatic approach would be to hold on to allotments where they exist, particularly in view of the current interest in growing healthy and relatively cheap food and getting outdoor exercise. In the light of this response, and having reviewed the sites in question it is proposed to include a specific policy in the MDE DPD applying to all allotments in the Borough which will seek to safeguard them unless there is demonstrably no demand. This is a similar approach to that in the Local Plan (Policy P8/10). In the case of statutory allotments there are, in any case, other statutory provisions that would apply to any proposal for disposal.
- 1.4.35 One particular site identified as currently being of low quality/low value is at the Freehold, Hadlow. This is a mixed site in multiple ownership (including the Parish Council), part of which is used as private allotments with the remainder being a

mixture of private amenity land and fenced untidy scrub. A proposal for housing development on part of the site has been resisted by the Council though the LDF process. Hadlow is identified in the Open Space Strategy as being deficient in amenity greenspace, natural greenspace and children's playspace. The Parish Council and local residents are keen to secure the area as public open space. In terms of the Open Space Strategy there is a strong case for the identification of this area as a new public open space to meet the identified deficiencies. It is also of considerable local amenity value with close historical associations with the housing surrounding it. It is therefore proposed to bring this forward as a proposal of the plan.

- 1.4.36 From the research undertaken to prepare the Open Space Strategy quantitative, qualitative and accessibility standards for open space provision have been developed. A draft of these standards was included in the Issues and Options Report. Question 42 asked whether these were soundly based and reasonable. The majority of respondents (89%) thought they were and the approach is supported by the Sustainability Appraisal. However, as a result of the recategorisation of some of the open spaces in the light of public comment there will need to be a slight refinement of some of the draft standards. Question 43 asked whether the approach in the Flow Diagram needed amending in any way to meet local circumstances. There was no suggestion that it should. A more detailed refined version of the diagram will be included in an Annex to the Plan to support the application of the standards. Sport England has indicated its full support to such an approach.
- 1.4.37 Question 44 asked whether it would be a good idea to try to link open spaces up where possible with a view to providing a connection to the countryside. Question 45 asked how important access to and along the River Medway was and whether we should be seeking to establish a strategic riverside walk along the Medway. There was strong support for both concepts. It is therefore proposed to bring forward a policy aimed at linking up open spaces, habitats and designated sites, in particular along the river Medway, wherever practicable and to do so having regard to a Green Infrastructure Key Diagram that is currently in the course of preparation. This approach is supported by the Sustainability Appraisal.
- 1.4.38 Questions 46 and 47 sought views on matters relating to the accessibility and safety of open spaces and some useful comments were made. It is proposed to include a policy in the MDE DPD setting out criteria for the design of open spaces having regard to safety and accessibility issues; an approach supported by the Sustainability Appraisal.
- 1.4.39 The final question in the Issues and Options Report (Question 48) related to the function of the urban fringe. The response emphasised the importance of the quality of the urban fringe in terms of creating a first impression of the urban area. The multi-functional role of the urban fringe for both recreation and biodiversity and the importance of its links with both the town and country were emphasised, as was the general need for enhancement, including habitat creation. The

Sustainability Appraisal considered that this option could have a range of beneficial impacts on sustainability. All of these matters have been borne in mind in framing a general policy applying the urban fringe in the Borough.

## **1.5 The Decisions**

- 1.5.1 Members are invited to consider the broad approaches set out under Section 1.4 to this report in the light of the representations received and the recommended response set out in the Response to Consultation document as well as the conclusions of the Sustainability Appraisal (**Annex E**) and to give your officers a steer as to whether any changes to the approach should be made before the draft Plan is finalised.

## **1.6 The next steps**

- 1.6.1 Officers will refine and fine-tune the content of the document in the light views expressed by the Panel and having regard to the evolving Sustainability Appraisal. The intention is that a full draft of the DPD will be presented to a meeting of the LDF Steering Panel and the Policy Overview Committee early in November 2008 prior to its consideration by Cabinet on 19 November 2008 with a view to the Plan being adopted by Council on **9 December 2008** for the purposes of pre-submission consultation.
- 1.6.2 Under the new Regulations public consultation on the plan takes place before it is submitted to the Secretary of State, though the main stage of consultation is expected to be at the Issues and Options stage. The theory is that as many issues as possible should be resolved before the DPD is published so that it is only outstanding matters of substance that fall for consideration by the Inspector.
- 1.6.3 Subject to Council approval of the pre-submission draft DPD, the intention is that public consultation will take place from the latter part of January though to the end of February. It will then be submitted to the Secretary of State as soon as possible after the closing date for comments. The intention will then be that your officers will seek to defend the Plan as submitted throughout the rest of the statutory process. However, it is possible that some minor word changes may be necessary and if this is the case and these do not go to the substance of policy, then I would, as normal, seek delegated authority to put forward such changes to the Inspector as part of the Public Examination process. If any more substantive changes are required the matter will need to be reported back to Members in the spring. The changes would then need to be subject to a second round of consultation before submission to the Secretary of State. It is to be hoped that this will not be necessary.

## **1.7 Legal Implications**

- 1.7.1 The preparation of the MDE DPD forms part of the LDF for the Borough. It is included in the Local Development Scheme as approved by the Secretary of State

and must be prepared in accordance with the Town and Country Planning (England) Local Development Regulations 2004 (as amended 2008).

## **1.8 Financial and Value for Money Considerations**

1.8.1 The preparation of the MDE DPD is covered by the existing LDF budget. The recommended approach towards the preparation of Character Area Appraisals for the Borough may have resource implications during 2009/10, but the aim will be to absorb this within existing budgets so far as possible. There may in the longer term once the plan is adopted be some Capital Plan implications arising from proposals of the Plan but these would need to follow the normal List C evaluation process.

## **1.9 Risk Assessment**

1.9.1 Without the refinement of policy envisaged in the MDE DPD there is a risk that opportunities for enhancement of the environment and open space provision may be lost.

## **1.10 Recommendation**

1.10.1 Members are recommended to endorse the approach towards preparing the Managing Development and the Environment DPD as set out under Section 1.4 to this report.

Background papers:

contact: Brian Gates

Nil

Steve Humphrey  
Director of Planning Transport and Leisure