

# PLANNING, INFRASTRUCTURE AND ECONOMIC DEVELOPMENT POLICY ADVISORY COMMITTEE MEETING

Date: Wednesday 4 October 2023  
Time: 6.30 pm  
Venue: Town Hall, High Street, Maidstone

## Membership:

Councillors Mrs Blackmore (Chairman), Cleator, Conyard, Mrs Grigg (Vice-Chairman), Jones, Kimmance, McKenna, Spooner and Trzebinski

*The Chairman will assume that all Members will read the reports before attending the meeting. Officers are asked to assume the same when introducing reports.*

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## AMENDED AGENDA

Page No.

1. Apologies of Absence
2. Notification of Substitute Members
3. Urgent Items
4. Notification of Visiting Members
5. Disclosures by Members and Officers
6. Disclosures of Lobbying
7. To consider whether any items should be taken in private because of the possible disclosure of exempt information
8. Minutes of the Meeting held on 18 September 2023
9. Forward Plan Relating to the Committee's Terms of Reference
10. Levelling-up and Regeneration Bill: Consultation on implementation of plan-making reforms
11. **Response to Medway Council Local Plan 2022-2040 Regulation 18 Consultation** **44 - 53**

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**Issued on Thursday 28 September 2023**

**Continued Over/:**

*Alison Broom*

**Alison Broom, Chief Executive**

## **INFORMATION FOR THE PUBLIC**

In order to make a statement in relation to an item on the agenda, please call **01622 602899** or email [committee@maidstone.gov.uk](mailto:committee@maidstone.gov.uk) by 4 p.m. one clear working day before the meeting (i.e. by 4 p.m. on Monday 2 October 2023). You will need to tell us which agenda item you wish to speak on.

If you require this information in an alternative format please contact us, call **01622 602899**.

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# Agenda Item 11

## Planning, Infrastructure and Economic Development Policy Advisory Committee

4<sup>th</sup> October 2023

### Response to Medway Council Local Plan 2022-2040 Regulation 18 Consultation

<b>Timetable</b>	
<b>Meeting</b>	<b>Date</b>
Planning, Infrastructure and Economic Development Policy Advisory Committee	4 <sup>th</sup> October 2023
Cabinet Member for Planning, Infrastructure and Economic Development	5 <sup>th</sup> October 2023

<b>Will this be a Key Decision?</b>	No
<b>Urgency</b>	Not Applicable
<b>Final Decision-Maker</b>	Cabinet Member for Planning, Infrastructure and Economic Development
<b>Lead Head of Service</b>	Karen Britton (Head of Spatial Planning and Economic Development)
<b>Lead Officer and Report Author</b>	Helen Smith (Principal Planner, Strategic Planning) Tom Gilbert (Principal Planner, Strategic Planning)
<b>Classification</b>	Public
<b>Wards affected</b>	All

#### Executive Summary

Medway Council is preparing a new Local Plan and has launched an early stage (Regulation 18) public consultation, which closes on 31 October 2023. The new Local Plan will cover the period up to 2040. This report provides a headline summary of the consultation document and recommends that the Council's draft response to the consultation, set out in Appendix 1, is formally submitted. The report is to be considered by the Planning, Infrastructure and Economic Development Policy Advisory Committee before being passed to the Cabinet Member for a decision.

## **Purpose of Report**

Recommendation to Cabinet Member.

**This report asks the Committee to consider the following recommendation to the Cabinet Member for Planning, Infrastructure and Economic Development:**

1. That Maidstone Borough Council's response to the Medway Local Plan Regulation 18 consultation, attached as Appendix 1 to this report, is submitted to Medway Council, ahead of the 31<sup>st</sup> October 2023 deadline.

# Response to Medway Council Local Plan 2022-2040 Regulation 18 Consultation

## 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> <li>• Embracing Growth and Enabling Infrastructure</li> <li>• Safe, Clean and Green</li> <li>• Homes and Communities</li> <li>• A Thriving Place</li> </ul> <p>As this report relates to the content of a neighbouring authority's local plan, we do not expect the recommendations will by themselves materially affect achievement of corporate priorities.</p>	Karen Britton, Head of Spatial Planning and Economic Development
<b>Cross Cutting Objectives</b>	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> <li>• Heritage is Respected</li> <li>• Health Inequalities are Addressed and Reduced</li> <li>• Deprivation and Social Mobility is Improved</li> <li>• Biodiversity and Environmental Sustainability is respected</li> </ul> <p>The report recommendation supports the various strands of the Council's ongoing strategic planning work, including compliance with the duty to cooperate, which contributes toward achievement of the cross cutting objectives.</p>	Karen Britton, Head of Spatial Planning and Economic Development
<b>Risk Management</b>	Already covered in the risk section	Karen Britton, Head of Spatial Planning and Economic Development
<b>Financial</b>	The financial costs of responding to Medway Council Local Plan consultation at this stage can be accommodated within existing budgets.	Mark Green

<b>Staffing</b>	We will deliver the recommendations with our current staffing.	Karen Britton, Head of Spatial Planning and Economic Development
<b>Legal</b>	<p>The duty to cooperate was created by the Localism Act 2011 and amends the Planning and Compulsory Purchase Act 2004. It places a legal duty on local planning authorities, county councils in England and public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local Plan preparation in the context of strategic cross boundary matters.</p> <p>This approach also helps ensure that Maidstone Borough Council's interests are communicated clearly to Medway Council as it progresses work on its Local Plan.</p>	Cheryl Parks Mid Kent Legal Services (Planning)
<b>Information Governance</b>	The recommendations do not impact personal information (as defined in UK GDPR and Data Protection Act 2018) the Council processes.	Lauren McNicol
<b>Equalities</b>	The recommendations do not propose a change in service therefore will not require an equalities impact assessment.	Helen Smith
<b>Public Health</b>	We recognise that the recommendation will not negatively impact on population health or that of individuals.	Helen Smith
<b>Crime and Disorder</b>	The recommendation will not negatively impact on crime and disorder.	Karen Britton, Head of Spatial Planning and Economic Development
<b>Procurement</b>	Not applicable	Karen Britton, Head of Spatial Planning and Economic Development
<b>Biodiversity and Climate Change</b>	The implications of this report on biodiversity and climate change have been considered and at this stage in the consultation process there are no implications on biodiversity and climate change.	Helen Smith

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## **2. INTRODUCTION AND BACKGROUND**

2.1 Medway Council is currently consulting on an early stage (Regulation 18) Local Plan document. The consultation runs from 18<sup>th</sup> September to 31<sup>st</sup> October 2023.

2.2 This section of the report provides a summary of the consultation and the proposed response from Maidstone Borough Council. The full draft response is set out in Appendix 1 of this report.

### **Background**

2.3 Medway Council is preparing a new Local Plan. It is intended that this Plan, once adopted, will supersede the 2003 Medway Local plan. The new Local Plan will cover the period 2022 to 2040.

2.4 Medway Council is now carrying out an early-stage public consultation on the new Local Plan. This is a Regulation 18 stage consultation in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012, as amended. The consultation document is titled 'Regulation 18 Consultation – Setting the Direction for Medway 2040'. The document does not detail policies or identify sites preferred for new development. The detail will be shown in the next stage of the Local Plan which will be published next year.

2.5 Further information about the consultation and links to view documents are available online: <https://www.medway.gov.uk/futuremedway>

2.6 Medway's Local Development Scheme (LDS) sets out the timetable for preparing the Local Plan. Following the current Regulation 18 consultation the LDS provides for a Regulation 19 consultation (early 2024), Regulation 22 submission of the Local Plan to the Secretary of State for examination (summer 2024) and adoption (autumn 2025).

### **Consultation content**

2.7 The Local Plan consultation document focusses principally on setting the scope of the new plan and getting stakeholder input on the plan's direction and content. The document includes contextual information and identifies the main issues and priorities for the plan across a range of topic areas. It proposes a vision for Medway in 2040 and a number of strategic objectives. It also presents spatial options to address the identified issues. The document does not set out preferred policy approaches or identify preferred sites as these will be established later in the plan process, informed by consultation feedback and additional evidence.

2.8 The consultation document is organised into five main sections, as follows:

- Introduction
- Context
- Vision for Medway 2040
- Strategic objectives

- Developing a spatial strategy
- Next steps

2.9 There are no formal/set questions within the document, leaving respondents able to comment freely on any paragraph in the document.

2.10 The Local Plan consultation document provides an indication of the authority's future growth requirements that the plan will seek to address. These requirements are informed by the latest evidence base, including the Medway Employment Land Assessment 2020, and the Medway Housing and Demographics Report 2021. The Plan includes a need for c.62.3 hectares of employment land (to 2037) and a local housing need figure of 1,667 dwellings per annum or 28,339 (gross) dwellings across the plan period up to 2040; a figure derived using the government's 'Standard Method' calculation. The inclusion of a buffer to allow for some sites not coming forward increases this figure to over 29,000 dwellings. In addition, the Council must consider if there is capacity to provide up to an additional 2,000 homes to help meet Gravesham's housing needs, following a request from the neighbouring borough. The consultation document does not identify specific development requirements for retail nor for Gypsy, Traveller and Travelling Showpeople accommodation.

2.11 To address identified needs for new development the consultation document identifies four broad categories of locations for distributing growth:

- Urban regeneration;
- Suburban growth;
- Rural development; and
- Green Belt loss.

2.12 These broad locations are based upon a Land Availability Assessment (LAA); itself informed by a Call for Sites, as well as sites from other sources such as the Brownfield Land Register and development briefs. The consultation document sets out the opportunities, issues and constraints for each of the four broad growth location categories. It should be noted that 'suburban expansion' includes potential development sites in the southern part of the borough in proximity to Maidstone Borough, essentially extending Lidsing Garden Community. Medway Council acknowledge, under 'issues and constraints' that *"Development to the south around the Capstone Valley would potentially adjoin the development of the proposed 'Lidsing Garden Community' in Maidstone. The landowner is promoting a cross-border masterplan. There are a number of potential impacts, including transport, infrastructure and the natural environment"*.

2.13 For employment land, the consultation document identifies that the majority of land would be needed for warehousing and distribution activities. It identifies strategic sites at Grain and Kingsnorth on the Hoo Peninsula, as well as the Innovation Park Medway.

2.14 Medway council highlight that any growth strategy and potential development sites/locations will be tested against a range of criteria, including transport impacts and viability.

2.15 In terms of next steps, Medway Council continues to collate its evidence base to support the Local Plan. Further assessments of sites will also take place. Specific reference is made to further work on transport and infrastructure planning. This further evidence work, combined with consultation feedback, will all contribute to the next stage of Medway Council's Local Plan.

### **Maidstone Borough Council response**

2.16 The Regulation 18 consultation document does not contain a set list of formal questions for response. It is therefore proposed that a long-form response is provided in order to focus on those key areas of interest specific to Maidstone Borough Council. The draft response is attached as Appendix 1 to this report.

2.17 The Council has a statutory duty to cooperate with prescribed bodies, including neighbouring local authorities, on strategic cross-boundary matters. Maidstone Borough Council has and will continue to engage positively and proactively with Medway through the Local Plan process. The consultation response reaffirms this position and welcomes the opportunity to comment on the emerging local plan as part of the ongoing engagement.

2.18 At this stage in the plan process there are no preferred policy approaches or development sites confirmed and it is therefore difficult to assess the implications of the plan on Maidstone borough. However, the response does provide feedback on the 'suburban expansion' growth location in terms of its relationship to Lidsing Garden Community and the future work required, particularly on the highway network and air quality.

2.19 The consultation response also provides additional comments on selected topic areas which may have strategic cross-boundary implications, including housing and infrastructure.

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## **3. AVAILABLE OPTIONS**

3.1 Option 1: That the Planning, Infrastructure and Economic Development Policy Advisory Committee recommend that the draft response to the consultation be approved by the Cabinet Member for Planning, Infrastructure and Economic Development. This would allow the response to be sent by the submission deadline and help to ensure the Council fulfils its statutory duty to cooperate.

3.2 Option 2: That the Planning, Infrastructure and Economic Development Policy Advisory Committee recommend that the draft response be approved by the Cabinet Member for Planning, Infrastructure and Economic Development, subject to further comments and changes. Depending on the extent and timing of the receipt of these comments, this would allow the response to be sent by the submission deadline.

3.3 Option 3: That the Planning, Infrastructure and Economic Development Policy Advisory Committee recommend that the draft response is not approved by the Cabinet Member for Planning, Infrastructure and Economic

Development. However, this would mean the response would not be sent and the Council's views on the Regulation 18 document would not be duly submitted for consideration by Medway Council as work on their Local Plan progresses. It may also compromise the Council's ability to demonstrate it has fulfilled its statutory duty to cooperate.

#### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 Option 1: That the draft response to the consultation be approved by the Cabinet Member for Planning, Infrastructure and Economic Development. This would allow the response to be sent by the submission deadline and help to ensure the Council fulfils its statutory duty to cooperate.
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#### **5. RISK**

- 5.1 The risk associated with the recommendation, including the risks should the Council not act as recommended, have been considered in line with the Council's Risk management Framework.
- 5.2 If agreement is secured, per the recommendations, then we are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.
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#### **6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 6.1 If agreed, the response provided as Appendix 1 will be presented to the Cabinet Member and then if approved submitted to Medway Council on behalf of Maidstone Borough Council.
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#### **7. REPORT APPENDICES**

The following documents are to be published with this report and form part of the report:

- Appendix 1: Draft Response to Medway Local Plan Regulation 18 consultation
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#### **8. BACKGROUND PAPERS**

The Medway Council Local Plan Regulation 18 consultation document can be viewed online at the following link: <https://www.medway.gov.uk/futuremedway>

Regulation 18 Local Plan consultation  
Medway Council  
Gun Wharf, Dock Road  
Chatham  
Kent, ME4 4TR

## Maidstone Borough Council

Maidstone House,  
King Street ME15 6JQ

 [maidstone.gov.uk](http://maidstone.gov.uk)

 [maidstonebc](https://twitter.com/maidstonebc)

 [maidstoneboroughcouncil](https://www.facebook.com/maidstoneboroughcouncil)

E: [futuremedway@medway.gov.uk](mailto:futuremedway@medway.gov.uk)

*Sent via email*

Dear Sir/Madam,

### **RE: Medway Council Local Plan Regulation 18 Consultation**

I refer to the above consultation and wish to make the following representations on behalf of Maidstone Borough Council (MBC).

As you will be aware, MBC is in the process of reviewing its adopted Local Plan (25 October 2017). The Maidstone Local Plan Review was submitted to the Secretary of State for independent examination on 31 March 2022. The examination is currently in process, with the six-week public consultation on the proposed Main Modifications to the plan having commenced on 29<sup>th</sup> September 2023. MBC has and will continue to work closely and constructively with Medway Council through the duty to cooperate on strategic matters pertinent to the authorities' respective local plans.

Whilst it is acknowledged that Medway Council have a requirement to meet identified needs, including for housing and economic development, the new Local Plan could have a significant impact on Maidstone Borough residents and businesses as well as the environment and infrastructure. It is therefore imperative that the potential effects of the plan on Medway authority and neighbouring authority areas, including Maidstone, are robustly considered. MBC welcomes the opportunity to continue working with Medway Council to help ensure that any potential adverse impacts resulting from the emerging Local Plan are identified at an early stage so that these can be avoided and/or appropriately mitigated.

The Regulation 18 document identifies four broad categories of locations where development could take place, along with indicative housing capacities for the different areas, based on Medway's Land Availability Assessment (LAA). Of the four broad categories, the 'suburban growth' location and the associated potential expansion sites identified on Map 2 of the consultation document have the greatest potential to impact upon Maidstone borough, through the possible expansion of Lidsing Garden Community.

It is not evident from the consultation document, which of the sites identified on the maps are potential new sites for development and which are sites with existing planning permission and we would welcome clarification on this in future discussions. We also welcome future discussions on the housing capacity of the site that straddles the Medway/Maidstone administrative boundary and would note that part of the site is included within Maidstone's Local Plan Review as a site for motorway junction improvements and environmental mitigation as part of the Lidsing Garden Community development. MBC would welcome future discussions on the general growth aspirations for this area of Medway.

## **Maidstone Borough Council**

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Paragraph 6.1 of the Regulation 18 document highlights that infrastructure is a major concern and that there is specific work on transport and infrastructure planning to feed into the draft Plan. MBC is keen to work constructively and cooperatively with Medway on these strategic, cross-boundary issues to ensure a joined up approach to planning across the two authorities' administrative boundary.

MBC notes that the Regulation 18 document does not specifically set out the needs of the Gypsy, Traveller and Travelling Showpeople communities, nor is there reference as to how any identified needs are planned to be met, through land allocations or otherwise. As a potential strategic cross-boundary issue, MBC would welcome the identification of this matter and for subsequent engagement to occur through statutory consultation and the duty to cooperate process in order to appropriately address the needs of these groups through the plan making process. Of note is that MBC is preparing a Gypsy, Traveller and Travelling Showpeople Development Plan Document to address the significant need that exists within its borough. We will continue to engage with Medway Council and other local authorities through the duty to cooperate to ensure accommodation needs for this group are appropriately addressed through the plan process, in accordance with national planning policy.

Finally, as a neighbouring authority, and with potential development areas identified across and adjacent to the administrative boundary, MBC welcomes further opportunities to engage with the authority through the duty to cooperate.

We look forward to providing further comments when preferred approaches and details of the Local Plan proposals become known.

Sincerely,