

# PLANNING AND INFRASTRUCTURE POLICY ADVISORY COMMITTEE MEETING

Date: Wednesday 6 July 2022  
Time: 6.30 pm  
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors Mrs Blackmore, Clark, Mrs Grigg, Kimmance, Munford, Spooner, Springett, Trzebinski and Young

*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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## **AGENDA**

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| 1. Apologies for 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 due to the possible disclosure of exempt information |         |
| 8. Minutes of the Meeting Held on 8 June 2022  | 1 - 5   |
| 9. Presentation of Petitions (if any)  |         |
| 10. Question and Answer session from Local Residents (if any)  |         |
| 11. Questions from Members to the Chairman (if any)  |         |
| 12. Forward Plan relating to the Committee's Terms of Reference  | 6 - 9   |
| 13. Local Development Scheme 2022 - 2024   | 10 - 34 |
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| 15. Updated S106 Spend by Date   | 56 - 61 |

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**Issued on 28 July 2022**

**Continued Over/:**

*Alison Broom*

**Alison Broom, Chief Executive**

## INFORMATION FOR THE PUBLIC

In order to ask a question at this meeting, please call **01622 602899** or email [committee@maidstone.gov.uk](mailto:committee@maidstone.gov.uk) by 5 p.m. one clear working day before the meeting (i.e. by 5 p.m. on Monday 4 July 2022). You will need to provide the full text in writing.

If your question is accepted, you will be provided with instructions as to how you can access the meeting.

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 5 p.m. one clear working day before the meeting (i.e. by 5 p.m. on Monday 4 July 2022). 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** or email [committee@maidstone.gov.uk](mailto:committee@maidstone.gov.uk).

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## **MAIDSTONE BOROUGH COUNCIL**

### **PLANNING AND INFRASTRUCTURE POLICY ADVISORY COMMITTEE**

#### **MINUTES OF THE MEETING HELD ON WEDNESDAY 8 JUNE 2022**

**Present:** Councillors Clark, Mrs Grigg (Vice-Chair in the Chair), Kimmance, Knatchbull, McKenna, Munford and Spooner, Springett and Young.

**Lead Member Present:** Councillor Cooper, Lead Member for Planning and Infrastructure.

1. **APOLOGIES FOR ABSENCE**

Apologies were received from Councillors Mrs Blackmore and Trzebinski.

2. **NOTIFICATION OF SUBSTITUTE MEMBERS**

Councillor Knatchbull was present as Substitute Member for Councillor Trzebinski.

Councillor McKenna was present as Substitute Member for Councillor Mrs Blackmore.

3. **ELECTION OF CHAIRMAN**

**RESOLVED:** That Councillor Blackmore be elected as the Chairman of the Committee for the Municipal Year 2022/23.

4. **ELECTION OF VICE-CHAIR**

**RESOLVED:** That Councillor Grigg be elected as the Vice-Chair of the Committee for the Municipal Year 2022/23.

5. **URGENT ITEMS**

The Chairman stated that there was one urgent item, Item 16 – Levelling Up Bid Junction 7 M20 Signalisation. The reason for urgency was that the issue needed to be considered before the Lead Member's decision on the matter to meet Kent County Council's deadline.

6. **CHANGE TO THE ORDER OF BUSINESS**

The Chairman stated that the Lead Member for Planning and Infrastructure would be invited to address the Committee after Item 12 – Questions from Members to the Chairman (if any).

7. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

8. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members and Officers.

9. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

10. EXEMPT ITEMS

**RESOLVED:** That all items be taken in public, unless any Member of the Committee wished to refer to Item 17 – Exempt Appendix – Draft Statement of Common Ground with Medway Council, in which case the Committee would enter into closed session due to the possible disclosure of exempt information.

11. PRESENTATION OF PETITIONS

There were no petitions.

12. QUESTION AND ANSWER SESSION FROM LOCAL RESIDENTS

There were no questions from Local Residents.

13. QUESTIONS FROM MEMBERS TO THE CHAIRMAN

There were no questions from Members to the Chairman.

14. VERBAL BRIEFING FROM THE LEAD MEMBER FOR PLANNING AND INFRASTRUCTURE

The Lead Member for Planning and Infrastructure addressed the Committee and stated that he looked forward to working with the Committee across the municipal year.

15. 4TH QUARTER FINANCIAL UPDATE & PERFORMANCE MONITORING REPORT

The Lead Member for Planning and Infrastructure introduced the report and stated that its format remained the same as those previously presented under the Council's preceding governance arrangements for consistency.

The £281,000 underspend against the revenue budget was highlighted and had arisen due to the speedy recovery of the Planning Fees and Parking fees from the Covid-19 pandemic. There had been no capital expenditure during the quarter, however planning for the Medway Street

Flood Barrier's delivery continued through residual funding for the Bridges Gyrotory Scheme. The overspend on the Local Plan Review had been met from the corporate contingency budget.

The Key Performance Indicators' positive performance was noted.

In response to a question, the Director of Finance and Business Improvement confirmed that the zero-expenditure figure for Development Management Enforcement Section was due to its new addition as a cost to the Service.

**RESOLVED:** That

1. The Revenue position as at the end of Quarter 4 for 2021/22, including the actions being taken or proposed to improve the position, where significant variances have been identified, be noted;
2. The Capital position at the end of Quarter 4 be noted;
3. The Performance position as at Quarter 4 for 2021/22, including the actions being taken or proposed to improve the position, where significant issues have been identified, be noted; and
4. The Annual Performance for 2021/22 be noted.

16. **LOWER THAMES CROSSING – LOCAL REFINEMENT CONSULTATION**

The Lead Member for Planning and Infrastructure introduced the report, stating that the ongoing Local Refinement Consultation built upon the previous consultation that took place in the summer of 2021.

The proposals included within the consultation were outlined, with specific attention given to the environmental compensation and mitigation proposals that directly affected the Council. These were traffic enforcement between junctions 3 to 4 of the M20 and a new compensation site at Bluebell Hill on the M2 corridor. Due to the cross-boundary nature of the proposals, the Council wished to know more about their management with neighbouring authorities.

The Lower Thames Crossing proposal could impact the local road network, particularly the A229 corridor, but the Council would continue to engage with Kent County Council as highways authority.

Reassurance was given that the proposals would not impact the existing or proposed spatial strategy within the 2017-2031 Local Plan policies and the Local Plan Review Regulation 19 submission for 2022-2037.

In response to questions, the Strategic Planning Manager explained that the Council's consultation response commented on those proposals that would directly impact the borough.

**RESOLVED:** That the Lead Member for Planning and Infrastructure be recommended to:

1. Note the contents of the Lower Thames Crossing Local Refinement Consultation; and
2. Approve the submission of the Council's response as set out in Appendix 1 to the report.

17. LEVELLING UP BID JUNCTION 7 M20 SIGNALISATION

The Lead Member for Planning and Infrastructure introduced the report and stated that the positive feedback received on the Council's initial but unsuccessful funding bid for the scheme would contribute to the refinement of the second bid submitted.

In explaining the funding bid's submission, it was stated that whilst there were some Section 106 monies available for the scheme, a complete reliance on those monies could lead to a delay in its implementation. The proposed scheme met the assessment criteria set, was ready for implementation and would improve the local road network, whilst being able to take place alongside other highways improvements.

In response to questions on the Section 106 monies as outlined within the report, the Lead Member for Planning and Infrastructure indicated that the monies would not cover the scheme's total cost, which was also likely to have increased by the time the monies were received by the Council. Any unrequired Section 106 monies would be returned to the developer. If possible, and within the applicable legal framework, an attempt to renegotiate the agreements would be made. The importance of improving the road network was re-emphasised.

The Director of Regeneration and Place referenced the endeavours clause within the relevant Section 106 agreements in explaining the Council's funding bid submissions. Reassurance was given that such issues were historic in nature as the Council progressed towards collecting Community Infrastructure Levy monies instead. The Head of Planning and Development further stated that the clause had been included within the agreements, as the developers were aware of the Council's funding bid submission during the negotiation process.

In response to questions, the Leader Member for Planning and Infrastructure stated that whilst the junction improvement would fall under the remit of National Highways, it was unlikely to be funded by the organisation hence the Council's bid submission. The distribution of Levelling up funding was explained, with any successful scheme to be ready for implementation. Other schemes, such as the Leeds Langley Relief Road and Town Centre Strategy, had not been put forward as they would not currently meet that requirement.

The Committee supported the bid's submission.

**RESOLVED:** That the Lead Member for Planning and Infrastructure be recommended to approve the submission of a joint Levelling Up Round 2 bid with Kent County Council to fund improvement works to Junction 7 M20, as set out at paragraph 3.3 (Option 2) of the report.

18. DRAFT STATEMENT OF COMMON GROUND WITH MEDWAY COUNCIL

The Lead Member for Planning and Infrastructure introduced the report and stated that Medway Council's Cabinet had approved the draft Statement of Common Ground attached at Exempt Appendix 1 to the report, with an Officer delegation to make minor amendments.

**RESOLVED:** That draft Statement of Common Ground attached at Exempt Appendix 1 to the report be recommended to the Executive for approval.

19. EXEMPT APPENDIX 1 - DRAFT STATEMENT OF COMMON GROUND WITH MEDWAY COUNCIL

**RESOLVED:** That the item be considered alongside Item 17 – Draft Statement of Common Ground with Medway Council.

20. DURATION OF MEETING

6.30 p.m. to 7.07 p.m.

## MAIDSTONE BOROUGH COUNCIL FORWARD PLAN FOR THE FOUR MONTH PERIOD 1 JULY 2022 TO 31 OCTOBER 2022

This Forward Plan sets out the details of the key decisions which the Executive or Lead Members expect to take and the non-Key decisions that the Executive or Lead Members expect to take during the next four-month period. The plan will be updated weekly for the relevant period and a new plan for a new four-month period, published monthly on the last Friday of the month.

A Key Decision is defined as one which:

1. Results in the Council incurring expenditure, or making savings, of more than £250,000; or
2. Is significant in terms of its effects on communities living or working in an area comprising two or more Wards in the Borough

The current members of the Executive are:

 <p><b>Councillor David Burton</b> Leader of the Council DavidBurton@maidstone.gov.uk 07590 229910</p>	 <p><b>Councillor John Perry</b> Deputy Leader and Lead Member for Corporate Services JohnPerry@Maidstone.gov.uk 07770 734741</p>	 <p><b>Councillor Lottie Parfitt-Reid</b> Lead Member for Communities and Public Engagement LottieParfittReid@Maidstone.gov.uk 07919 360000</p>	 <p><b>Councillor Martin Round</b> Lead Member for Environmental Services MartinRound@maidstone.gov.uk 07709 263447</p>
 <p><b>Councillor Simon Webb</b> Lead Member for Housing and Health SimonWebb@Maidstone.gov.uk 07878 018997</p>	 <p><b>Councillor Claudine Russell</b> Lead Member for Leisure and Arts ClaudineRussell@Maidstone.gov.uk</p>	 <p><b>Councillor Paul Cooper</b> Lead Member for Planning and Infrastructure PaulCooper@Maidstone.gov.uk 01622 244070</p>	



Anyone wishing to make representations about any of the matters listed below may do so by contacting the relevant officer listed against each decision, within the time period indicated.

Under the Access to Information Procedure Rules set out in the Council's Constitution, a Key Decision or a Part II decision may not be taken, unless it has been published on the forward plan for 28 days or it is classified as urgent:

The law and the Council's Constitution provide for urgent key and part II decisions to be made, even though they have not been included in the Forward Plan.

Copies of the Council's constitution, forward plan, reports and decisions may be inspected at the Maidstone House, King Street, Maidstone, ME15 6JQ or accessed from the Council's website: [www.maidstone.gov.uk](http://www.maidstone.gov.uk)

Members of the public are welcome to attend meetings of the Executive which are normally held at the Town Hall, High St, Maidstone, ME14 1SY. The dates and times of the meetings are published on [www.maidstone.gov.uk](http://www.maidstone.gov.uk) or you may contact the Democratic Services Team on telephone number 01622 602899 for further details.

✓

**David Burton**  
**Leader of the Council**

<b>Details of the Decision to be taken</b>	<b>Decision to be taken by</b>	<b>Lead Member</b>	<b>Expected Date of Decision</b>	<b>Key</b>	<b>Exempt</b>	<b>Proposed Consultees</b>	<b>Method(s) of Consultation</b>	<b>Documents to be considered by Decision taker</b>	<b>Representations may be made to the following officer by the date stated</b>
Local Development Scheme 2022 - 2024 Revisions to the adopted LDS 2021 - 2024 to reflect the current position of the Design and Sustainability DPD	Executive	Lead Member for Planning and Infrastructure	27 Jun 2022	Yes	No Open	Planning and Infrastructure Policy Advisory Committee 6 Jul 2022		Local Development Scheme 2022 - 2024	<b>Anna Ironmonger</b>  annairnmonger@m aidstone.gov.uk
Neighbourhood Planning Protocol Neighbourhood Planning Protocol – an update to the Protocol which was previously agreed in July 2020 by SPI. The July 2020 version included the addition of measures to deal with the Covid-19	Executive	Lead Member for Planning and Infrastructure	27 Jun 2022	Yes	No Open	Planning and Infrastructure Policy Advisory Committee 6 Jul 2022		Neighbourhood Planning Protocol	<b>Anna Ironmonger</b>  annairnmonger@m aidstone.gov.uk

Details of the Decision to be taken	Decision to be taken by	Lead Member	Expected Date of Decision	Key	Exempt	Proposed Consultees	Method(s) of Consultation	Documents to be considered by Decision taker	Representations may be made to the following officer by the date stated
<p>pandemic. We are now in a position where restrictions are no longer in place, and we can remove the amendments made in July 2020. We are therefore proposing to remove reference to Covid-19 measures. At the same time we are proposing other alterations regarding modifications of neighbourhood plans.</p>									

# Agenda Item 13

## Planning and Infrastructure Policy Advisory Committee

**6 July 2022**

### Local Development Scheme 2022 - 2024

#### Timetable

<b>Meeting</b>	<b>Date</b>
Planning and Infrastructure Policy Advisory Committee	6 July 2022
Executive	27 July 2022
Council	28 September 2022

<b>Type of Decision</b>	Key
<b>Urgency</b>	Not Applicable
<b>Final Decision-Maker</b>	Council
<b>Lead Head of Service</b>	Phil Coyne (Interim Director, Local Plan Review), Rob Jarman (Head of Planning and Development)
<b>Lead Officer and Report Author</b>	Anna Ironmonger (Planning Officer, Strategic Planning)
<b>Classification</b>	Public
<b>Wards affected</b>	All

#### Executive Summary

The Council is required by the Planning and Compulsory Purchase Act (2004) (as amended) to maintain an up-to-date Local Development Scheme (LDS). The purpose of an LDS includes setting out the timetable for the delivery of Council produced planning policy documents and to inform local people and stakeholders.

Work is ongoing on the Local Plan Review, Gypsy and Traveller Development Plan Document (DPD) and Design and Sustainability DPD in line with the Local Development Scheme 2021-2024 which was adopted by Full Council on 8 December 2021.

Since the 2021-2024 iteration of the LDS, the Local Plan Review has been subject to significant public interest. The consultation on the Regulation 19 'Draft for Submission' documents received over 2,200 representations. In order progress the Local Plan Review in accordance with the approved Local Development Scheme, priority was placed on this document, meaning a slight delay to the first public consultation on the Design and Sustainability DPD.

A new LDS is therefore required which, whilst retaining the timetables for the delivery of the Local Plan Review and Gypsy and Traveller DPD, updates the timetable for the

Design and Sustainability DPD. The new Local Development Scheme 2022-2024 can be found as an appendix to this report.

This report is to be considered by the Policy Advisory Committee before being passed to the Executive and Full Council for decision.

### **Purpose of Report**

To provide an update to the Local Development Scheme and to seek views from this Policy Advisory Committee as appended to this report prior to consideration by the Executive and Full Council for decision.

### **This report asks the Committee to consider the following recommendation to the Executive:**

1. That the Local Development Scheme 2022-2024, attached at Appendix 1 to the report, be approved.

## Local Development Scheme 2022 - 2024

### 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>Accepting the recommendation will improve the Council's ability to achieve all corporate priorities.</p>	Head of Planning and 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 achievement of all four cross cutting objectives.</p>	Head of Planning and Development
<b>Risk Management</b>	Already covered in the risk section	Head of Planning and Development
<b>Financial</b>	The work described in the Local Development Scheme can be funded from within existing revenue budgets.	Section 151 Officer and Finance Team
<b>Staffing</b>	We will deliver the recommendations with our current staffing.	Head of Planning and Development
<b>Legal</b>	Accepting the recommendations will fulfil the Council's duties under the Planning and Compulsory Purchase Act 2004 (as amended).	Senior Lawyer (Planning); Mid Kent

		Legal Services
<b>Privacy and Data Protection</b>	Accepting the recommendations will not increase the volume of data held by the Council.	Policy and Information Team
<b>Equalities</b>	The recommendations do not propose a change in service therefore will not require an equalities impact assessment	Equalities & Communities Officer
<b>Public Health</b>	We recognise that the recommendations will have a positive impact on population health or that of individuals.	Public Health Officer
<b>Crime and Disorder</b>	The recommendation potentially will have a positive impact on Crime and Disorder.	Head of Planning and Development
<b>Procurement</b>	There are no implications for procurement.	Head of Planning and Development
<b>Biodiversity and Climate Change</b>	The delay to the Design and Sustainability DPD will have minor implications to the timeframe of implementation of MBC's biodiversity and climate change Action Plan.	Biodiversity and Climate Change Manager

## 2. INTRODUCTION AND BACKGROUND

- 2.1 The Council is required by the Planning and Compulsory Purchase Act (2004) (as amended) to maintain an up-to-date Local Development Scheme (LDS). The purpose of an LDS is to set out the timetable for the delivery of Council produced planning policy documents and to inform local people and stakeholders.
- 2.2 The Local Development Scheme 2021-2024 was adopted by Full Council on 8<sup>th</sup> December 2021 and set out the timetable for delivering the Local Plan Review, Gypsy and Traveller DPD, and Design and Sustainability DPD.
- 2.3 To date work on the Local Plan Review and Gypsy and Traveller DPD is on track against the timetable set out in Local Development Scheme 2021-2024.
- 2.4 However, since the adoption of the Local Development Scheme 2021-2024, the Local Plan Review has been subject to significant public interest. The consultation on the Regulation 19 'Draft for Submission' documents received over 2,200 representations. In order progress the Local Plan Review in accordance with the approved Local Development Scheme, priority was placed on the Local Plan Review, meaning a slight delay to the first public consultation on the Design and Sustainability DPD.
- 2.5 A new LDS is therefore required and this is provided as Appendix 1. This retains the timetables for delivery of the Local Plan Review and Gypsy and

Traveller DPD, which remain unchanged from that set out in the Local Development Scheme 2021-2024. The new LDS also includes the revised timetable for delivery of the Design and Sustainability DPD.

- 2.6 The revised timetable for the Design and Sustainability DPD is set out in the table below.

<b>Stage</b>	<b>LDS 2022 - 2024</b>
Evidence gathering	January 2021 to March 2023
Scope and matters consultation (Regulation 18a)	October to November 2022
Preferred approach consultation (Regulation 18b)	April to May 2023
Draft DPD consultation (Regulation 19)	September to October 2023
Submission (Regulation 22)	March to April 2024
Examination hearing sessions (Regulation 24)	June to July 2024
Main Modification Consultation	September to October 2024
Adoption – Full Council (Regulation 26)	December 2024

- 2.7 This report seeks a recommendation that the Local Development Scheme 2022-2024, attached at Appendix 1 to the report, be recommended to the Executive and Council for approval.

### **3. AVAILABLE OPTIONS**

- 3.1 Option 1: The Local Development Scheme 2022-2024 is recommended to the Executive and Council for approval. The LDS outlines the scope and timetable for delivering the Local Plan Review, Gypsy and Traveller DPD and the Design and Sustainability DPD. All three have consideration for the Strategic Plan priorities and cross-cutting objectives.
- 3.2 Option 2: The Local Development Scheme 2022-2024 is not recommended to the Executive and Council for approval. Under the Planning and Compulsory Purchase Act 2004 (as amended), local planning authorities must maintain an up to date LDS. The current LDS (2021-2024) does not reflect the current timescales for the Design and Sustainability DPD and therefore a subsequent LDS is required. To not adopt this LDS will be contrary to the Planning and Compulsory Purchase Act 2004 (as amended) and would mean that the Local Planning Authority would fail its legal tests for producing these this DPD.

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

- 4.1 Option 1 is the preferred option. By adopting the Local Development Scheme 2022-2024 the Council will be compliant with the Planning and Compulsory Purchase Act 2004 (as amended).
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## **5. RISK**

- 5.1 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council's Risk Management Framework. That consideration is shown in this report at paragraph 3.2. We are satisfied that, should the authority proceed as recommended, the risks associated are within the Council's risk appetite and will be managed as per the Policy.

## **6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 6.1 None
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## **7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 7.1 If approved by Council, the Local Development Scheme 2022-2024 will be published on the website.
- 7.2 The delivery of the Local Plan Review, Gypsy and Traveller DPD and the Design and Sustainability DPD against milestones in the LDS will be monitored through the Authority Monitoring Report, which is published each year.
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## **8. REPORT APPENDICES**

Appendix 1: Local Development Scheme 2022 - 2024

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## **9. BACKGROUND PAPERS**

None

# LOCAL DEVELOPMENT SCHEME

September 2022

2022-2024

**LOCAL DEVELOPMENT SCHEME 2022-2024**

**This document is produced by  
Maidstone Borough Council**

**This Local Development Scheme came into effect on 28th September  
2022**

**All enquiries should be addressed to:**

**Strategic Planning  
Maidstone Borough Council  
Maidstone House  
King Street  
Maidstone  
Kent  
ME15 6JQ**

**Telephone: 01622 602000**

**Email: [LDF@maidstone.gov.uk](mailto:LDF@maidstone.gov.uk)**

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## **1. Introduction to the Local Development Scheme**

### **What is the Local Development Scheme?**

1.1 The government requires local planning authorities to prepare a **Local Development Scheme** (LDS). The purpose of an LDS includes setting out the timetable for the delivery of Council produced planning policy documents. These are often referred to as Development Plan Documents or Local Plans.

1.2 In addition to the Local Plan Review, the Council intends to produce two further Development Plan Documents (DPDs). These are the Gypsy and Traveller DPD and the Design and Sustainability DPD. Both DPDs will affect the whole of Maidstone Borough. This LDS covers the period 2022-2024 and contains a timetable for the delivery of each DPD to inform local people and stakeholders of the key milestones of production.

1.3 This LDS replaces the Local Development Scheme 2021-2024 which was approved by Full Council on 8th December 2021.

1.4 The Local Development Scheme 2022-2024 was approved by Council on 28<sup>th</sup> September and came into effect on the same day.

### **The Development Plan**

1.5 **Development Plans** are an important part of the English planning system and are needed to guide the local decision-making process for land uses and development proposals. As of 28<sup>th</sup> September, the Development Plan for Maidstone borough comprises:

- Maidstone Borough Local Plan 2011-2031 and associated Proposals Map (October 2017)
- Staplehurst Neighbourhood Development Plan 2016-2031 (August 2020)
- North Loose Neighbourhood Development Plan 2015-2031 (April 2016)
- Loose Neighbourhood Development Plan 2018-2031 (September 2019)
- Marden Neighbourhood Development Plan 2017-2031 (July 2020)
- Lenham Neighbourhood Plan 2017 – 2031 (July 2021)
- Boughton Monchelsea Neighbourhood Plan (July 2021)
- Otham Neighbourhood Plan 2020 – 2035 (September 2021)
- Kent Minerals and Waste Local Plan 2013-2030 (September 2020)

1.6 Further information regarding each of these documents is provided below.

1.7 The **Maidstone Borough Local Plan** sets out the framework for development within the Borough until 2031. It includes a spatial vision, objectives and key policies. It also includes an associated 'Policies Map' that sets out the geographical extent of key designations and site specific proposals set out in the local plan. Maidstone has an on-line policies map that can be accessed through its website. The Maidstone Borough Local Plan plays a key part in delivering Maidstone Council's Strategic Plan. The Maidstone Borough Local Plan was found sound following independent examination and was adopted by Full Council on 25 October 2017. The Maidstone Borough Local Plan contains Policy LPR1 'Review of the Local Plan'. This requires a review of the local plan to ensure that the plan continues to be up to date. Policy LPR1 outlines matters which may be

addressed by the review. Key considerations are the need to maintain and enhance the natural and built environment; and improve air quality.

**1.8 Neighbourhood Development Plans** are prepared by Parish Councils or Neighbourhood Forums, and the plans are subject to consultation, independent examination and referendum. The plans must be in general conformity with the strategic policies of the adopted local plan and should have regard to any emerging Local Plan. A neighbourhood area has to be designated for a Neighbourhood Development Plan to be produced. In total, 15 Parish Councils and 1 Neighbourhood Forum have designated Neighbourhood Areas. To date, seven Neighbourhood Development Plans have been made and a number of Neighbourhood Development Plans are at various stages of preparation.

**1.9 The Kent Mineral Sites Plan and the Early Partial Review of the Kent Minerals and Waste Local Plan** and was produced by Kent County Council and covers the whole county. Both plans were adopted in September 2020 and describes:

- 'The overarching strategy and planning policies for mineral extraction, importation and recycling, and the waste management for all waste streams that are generated or managed in Kent, and
- The spatial implications of economic, social and environmental change in relation to strategic minerals and waste planning.'

## **Planning Documents**

1.10 In addition to the above components of the Development Plan, there are other key planning documents that the Council produces. These include:

- **Supplementary Planning Documents** – these set out further information, interpretation or clarification regarding existing planning policies and are produced and adopted by the Council in accordance with government legislative requirements
- **Planning policy guidance** documents – these set out further information, interpretation or clarification regarding existing planning policies but have not been produced to meet government Supplementary Planning Document requirements
- **Statement of Community Involvement** – a procedural document that sets out the methods for consultation and engagement with the public and stakeholders. This includes consultation and engagement during the production of Local Plans, the production of Neighbourhood Development Plans, and the Development Management process.
- **Authority Monitoring Reports** – a procedural document, produced on an annual basis that monitors the performance of Maidstone's Local Plan and its policies.

## **Maidstone Community Infrastructure Levy**

1.11 The **Community Infrastructure Levy (CIL)** is a charge on specific new developments towards the provision of infrastructure. The Maidstone CIL **Charging Schedule** was adopted by Full Council on 25 October 2017, following examination in June 2017. The Maidstone CIL took effect on 1 October 2018.

1.12 The Charging Schedule sets out the charging rates for development in Maidstone Borough, including the types of development that are required to pay the Levy and where the proposed rates

will apply. The CIL Charging Schedule was developed alongside the Maidstone Borough Local Plan, and the evidence base for infrastructure, planning, affordable housing requirements and development viability supported both the Maidstone CIL and Maidstone Borough Local Plan.

1.13 The infrastructure schemes and/or types of infrastructure that may be funded by Maidstone CIL are set out in an Infrastructure List contained in the Infrastructure Funding Statement, published on the website. In addition, Section 106 planning agreements, which are negotiated with developers to secure infrastructure funding, will continue to play a significant role in securing site related infrastructure.

## **2. The Local Development Scheme**

### **Review of the Local Development Scheme 2021-2024**

2.1 There have been changes to the work programme for the Design and Sustainability DPD.

2.2 **Local Plan Review:** There has been no change in circumstances regarding the scope and timetable for production of the Local Plan Review since the previous version of the Local Development Scheme came into effect on 8th December 2021.

2.3 **Gypsy and Traveller DPD:** There has been no change in circumstances regarding the scope and timetable for production of the Gypsy and Traveller DPD since the previous version of the Local Development Scheme came into effect on 8th December 2021.

2.4 **Design and Sustainability DPD:** The Local Plan Review has been subject to significant public interest, including with regard to the consultation on the Regulation 19 'Draft for Submission' documents, which received over 2,200 representations. In order progress the Local Plan Review in accordance with the approved Local Development Scheme, priority was placed on this document, meaning a slight delay to the first public consultation on the Design and Sustainability DPD, which is now scheduled to commence in October 2022.

2.5 A timetable for the implementation of the Gypsy and Traveller DPD and the Design and Sustainability DPD, in addition to the Local Plan Review follows.





	2022												2023												2024												
	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	
Design and Sustaina bility																																					
Gypsy and Traveller DPD																																					
Local Plan Review																																					

Key

Evidence gathering and stakeholder engagement

Call for Sites Exercise

Regulation 18a Scoping Consultation

Regulation 18b - Preferred Approaches Consultation

Regulation 18 Scoping and Preferred Approaches Consultation

Regulation 19 Consultation

Submission (Regulation 22)

Examination (Regulation 24)

Main Modification Consultation

Plan and associated documents to Full Council

Figure 2.1 Delivery timetable

## **Monitoring and Review**

**2.6 Gypsy and Traveller DPD:** The Council are creating an evidence base to ensure it has sufficient social, environmental, economic and physical information to inform the Gypsy and Traveller DPD. The DPD will explain how its policies will be delivered and implemented and identify performance indicators against which the success of policies will be monitored. These performance indicators will be monitored through annual Authority Monitoring Reports. The Council will monitor and review progress of delivery of this Gypsy and Traveller DPD against this LDS document.

**2.7 Design and Sustainability DPD:** The Council are creating an evidence base to ensure it has sufficient social, environmental, economic and physical information to inform the Design and Sustainability DPD. The DPD will explain how its policies will be delivered and implemented and identify performance indicators against which the success of policies will be monitored. These performance indicators will be monitored through annual Authority Monitoring Reports. The Council will monitor and review progress of delivery of this Design and Sustainability DPD against this LDS document.

**2.8 Local Plan Review:** The Council is creating an evidence base to ensure it has sufficient social, environmental, economic and physical information to inform the review of the local plan. The adopted local plan explains how its policies will be delivered and implemented, and identifies performance indicators against which the success of policies is monitored. The performance indicators will be monitored through annual Authority Monitoring Reports, and the Council will monitor and review progress against the LDS programme in this document.

### 3. Document Project Plan

#### Gypsy and Traveller DPD

<b>Gypsy and Traveller DPD</b>	
<b>Subject/content</b>	<p>The Local Plan Review contains a suite of policies specifically addressing matters of Gypsy and Traveller accommodation and future need. The GTAA recommends that allocations can be used to meet the need from those who met the planning definition. A large proportion of the need is unknown based on modelled local need and the assessment outlines that this need can be dealt with by a criteria-based policy. A standalone DPD is to be prepared.</p> <p>The DPD will sit alongside and build on the policies in the Local Plan Review and will provide the basis for Development Management decision making. The DPD will be informed by the preparation of suitable evidence.</p> <p>Matters to be reviewed include:</p> <ul style="list-style-type: none"> <li>• New site allocations to meet the need</li> <li>• Update to DM policies from adopted Maidstone Borough Local Plan and Maidstone Local Plan Review including outbuildings and day rooms (only needed if emerging guidance changes)</li> <li>• Incorporate existing allocations</li> <li>• Non-planning definition Gypsies accommodation</li> </ul>
<b>Status</b>	Local Plan
<b>Coverage</b>	Maidstone Borough
<b>Chain of Conformity – national</b>	Central government policy and guidance, including the National Planning Policy Framework, National Planning Practice Guidance, Planning policy for traveller sites (2015) and the Town and Country Planning (Local Planning) (England) Regulations 2012.
<b>Chain of Conformity – local</b>	<p>Regard to the Council's Plans and Strategies, including the Strategic Plan, Economic Development Strategy and Housing Strategy. Also have regard to the Climate Change and Biodiversity Strategy and Action Plan.</p> <p>The LPR will need to take into account the policies within neighbourhood plans:</p> <p>North Loose Neighbourhood Plan 2015 – 2031 (2016)  Staplehurst Neighbourhood Plan 2016 – 2031 (2020)  Loose Neighbourhood Plan 2018 – 2031 (2019)  Marden Neighbourhood Plan 2017 – 2031 (2020)  Lenham Neighbourhood Plan 2017 – 2031 (2021)  Boughton Monchelsea Neighbourhood Plan (2021)  Otham Neighbourhood Plan (2021)</p>
<b>Policies Map</b>	A new policies map is to be created
<b>Timetable</b>	
Sustainability Appraisal	Relevant appraisals and assessment will be carried out throughout the preparation of the DPD
Evidence gathering	January 2021 to January 2023
Call for Sites	February to March 2022
Scope and matters and preferred approaches consultation (Regulation 18)	February to March 2023
Draft DPD	August to September 2023

consultation (Regulation 19)	
Submission (Regulation 22)	February to March 2024
Examination hearing sessions (Regulation 24)	May to June 2024
Main Modification Consultation	August to September 2024
Adoption – Full Council (Regulation 26)	November to December 2024
<b>Arrangements for Production</b>	
Internal Partners	Key internal partners include relevant service areas within the Council, Chief Executive; Corporate Leadership Team; and Strategic Planning and Infrastructure Committee.
External Partners	Key external partners include specific and general consultation bodies (including parish councils and neighbourhood forums), local stakeholder groups, hard to reach groups and the local community.
External Resources	Kent County Council, Highways England, infrastructure providers, the Homes England, and use of external consultants to provide evidence (as required).

Table 3.1 Project Plan for the Gypsy and Traveller DPD

## Design and Sustainability DPD

Design and Sustainability DPD	
<b>Subject/content</b>	<p>The Local Plan Review contains a suite of policies specifically addressing matters of design and sustainability. At the Strategic Planning and Infrastructure Committee on the 21<sup>st</sup> September 2021, the Council resolved to prepare a DPD reinforced by appropriate evidence to support the Local Plan Review through the strengthening of the council's design and sustainability focused policies.</p> <p>The DPD will sit alongside and build on the policies in the Local Plan Review and will provide the basis for Development Management decision making. The DPD will be informed by the preparation of suitable evidence to justify and the adoption of higher design and sustainability standards where these can be achieved.</p> <p>The DPD will specifically cover matters in relation to:</p> <ul style="list-style-type: none"> <li>• Water efficiency</li> <li>• Low carbon energy</li> <li>• Sustainable buildings</li> <li>• Building design</li> <li>• Biodiversity and landscaping</li> <li>• Open space provision</li> <li>• Sustainable connectivity</li> <li>• Internal space standards</li> <li>• Lighting</li> </ul>
<b>Status</b>	Local Plan
<b>Coverage</b>	Maidstone Borough
<b>Chain of Conformity – national</b>	Central government policy and guidance, including the National Planning Policy Framework, National Planning Practice Guidance, Planning policy for traveller sites (2015) and the Town and Country Planning (Local Planning) (England) Regulations 2012.
<b>Chain of Conformity – local</b>	<p>Regard to the Council's Plans and Strategies, including the Strategic Plan, Economic Development Strategy and Housing Strategy. Also have regard to the Climate Change and Biodiversity Strategy and Action Plan.</p> <p>The LPR will need to take into account the policies within neighbourhood plans:</p> <p>North Loose Neighbourhood Plan 2015 – 2031 (2016)  Staplehurst Neighbourhood Plan 2016 – 2031 (2020)  Loose Neighbourhood Plan 2018 – 2031 (2019)  Marden Neighbourhood Plan 2017 – 2031 (2020)  Lenham Neighbourhood Plan 2017 – 2031 (2021)  Boughton Monchelsea Neighbourhood Plan (2021)  Otham Neighbourhood Plan (2021)</p>
<b>Policies Map</b>	A new policies map is to be created
<b>Timetable</b>	
Sustainability Appraisal	Relevant appraisals and assessment will be carried out throughout the preparation of the DPD
Evidence gathering	January 2021 to March 2023
Scope and matters consultation (Regulation 18a)	October to November 2022
Preferred approaches	April to May 2023

consultation (Regulation 18b)	
Draft DPD consultation (Regulation 19)	September to October 2023
Submission (Regulation 22)	March to April 2024
Examination hearing sessions (Regulation 24)	June to July 2024
Main Modification Consultation	September to October 2024
Adoption – Full Council (Regulation 26)	December 2024
<b>Arrangements for Production</b>	
Internal Partners	Key internal partners include relevant service areas within the Council, Chief Executive; Corporate Leadership Team; and Strategic Planning and Infrastructure Committee.
External Partners	Key external partners include specific and general consultation bodies (including parish councils and neighbourhood forums), local stakeholder groups, hard to reach groups and the local community.
External Resources	Kent County Council, Highways England, infrastructure providers, the Homes England, and use of external consultants to provide evidence (as required).

Table 3.2 Project Plan for the Design and Sustainability DPD



## Local Plan Review

<b>Maidstone Local Plan Review</b>	
<b>Subject/content</b>	<p>Matters to be reviewed include:</p> <ul style="list-style-type: none"> <li>• A review of housing of needs</li> <li>• The allocation of land at the Invicta Park Barracks broad location and at the Lenham broad location if the latter has not been achieved through a Lenham Neighbourhood Plan in the interim</li> <li>• Identification of additional housing land to maintain supply towards the end of the plan period and, if required as a result, consideration of whether the spatial strategy needs to be amended to accommodate such development</li> <li>• A review of employment land provision and how to accommodate any additional employment land needed as a result</li> <li>• Whether the case for a Leeds-Langley Relief Road is made, how it could be funded and whether additional development would be associated with the road</li> <li>• Alternatives to such a relief road</li> <li>• The need for further sustainable transport measures aimed at encouraging modal shift to reduce congestion and air pollution</li> <li>• Reconsideration of the approach to the Syngenta and Baltic Wharf sites if these have not been resolved in the interim</li> <li>• Extension of the local plan period</li> </ul>
<b>Status</b>	Local Plan
<b>Coverage</b>	Maidstone Borough
<b>Chain of Conformity – national</b>	Central government policy and guidance, including the National Planning Policy Framework, National Planning Practice Guidance, Planning policy for traveller sites (2015) and the Town and Country Planning (Local Planning) (England) Regulations 2012.
<b>Chain of Conformity – local</b>	<p>Regard to the Council's Plans and Strategies, including the Strategic Plan, Economic Development Strategy and Housing Strategy. Also have regard to the Climate Change and Biodiversity Strategy and Action Plan.</p> <p>The LPR will need to take into account the policies within neighbourhood plans:</p> <p>North Loose Neighbourhood Plan 2015 – 2031 (2016)  Staplehurst Neighbourhood Plan 2016 – 2031 (2020)  Loose Neighbourhood Plan 2018 – 2031 (2019)  Marden Neighbourhood Plan 2017 – 2031 (2020)  Lenham Neighbourhood Plan 2017 – 2031 (2021)  Boughton Monchelsea Neighbourhood Plan (2021)  Otham Neighbourhood Plan (2021)</p>
<b>Policies Map</b>	To be amended to reflect the policy content of the Local Plan Review
<b>Timetable</b>	
Sustainability Appraisal	Relevant appraisals and assessment will be carried out throughout the review of the Maidstone Borough Local Plan
Evidence gathering	June 2018 to September 2021
Submission (Regulation 22)	March 2022
Examination hearing sessions (Regulation 24)	August – September 2022

Main Modification Consultation	November 2022
Adoption – Full Council (Regulation 26)	January 2023
<b>Arrangements for Production</b>	
Internal Partners	Key internal partners include relevant service areas within the Council, Chief Executive; Corporate Leadership Team; and Strategic Planning and Infrastructure Committee.
External Partners	Key external partners include specific and general consultation bodies (including parish councils and neighbourhood forums), local stakeholder groups, hard to reach groups and the local community.
External Resources	Kent County Council, Highways England, infrastructure providers, the Homes England, and use of external consultants to provide evidence (as required).

Table 3.3 Project Plan for the Maidstone Borough Local Plan Review

#### **4. Appendix**

##### **Glossary of terms**

<b>Acronym</b>	<b>Term</b>	<b>Description</b>
AMR	Authority Monitoring Report	A report which is produced annually and monitors the performance against monitoring indicators in the Maidstone Borough Local Plan.
	Development Plan	The Development Plan includes adopted local plans/Development Plan Documents and made Neighbourhood Development Plans, and sets a framework for the local decision making process.
DPD	Development Plan Documents/Local Plans	A DPD/Local Plan is a spatial planning document which sets out the plan for the future development of the local area, drawn up by a local authority in consultation with the community. Once adopted, the local plan becomes part of the Development Plan. The Local Plan does not include SPDs or local Planning Guidance, although these documents are material considerations in the decision making process.
GTAA	Gypsy and Traveller Accommodation Assessment	The assessment outlines the current and future need for gypsy, traveller and travelling showpeople provision for Maidstone Borough until 2037.
KCC	Kent County Council	The county planning authority, responsible for producing the Kent Minerals and Waste Local Plans, and are the highways authority.
LDS	Local Development Scheme	The LDS is a summary business programme and timetable for the production of the local plans and Development Plan Documents.
MBC	Maidstone Borough Council	The local planning authority responsible for producing the Borough Local Plan.
NDP	Neighbourhood Development Plan	Neighbourhood Development Plans (also known as neighbourhood plans) are prepared by a parish council or neighbourhood forum for a particular neighbourhood area. Neighbourhood plans must be in conformity with the strategic policies of the Local Plan and, once made, form part of the Council's Development Plan.
	Planning Policy Guidance	Additional guidance which provides further detail to policies set out in local plans and is a material consideration in planning decisions but is not part of the local plan or the development plan. If subject to adequate stakeholder and public consultation, guidance can carry commensurate weight with SPDs in the decision making process.
	Policies Map	The Policies Map uses an on-line ordnance survey map base to show the spatial extent of all land use policies and proposals, and is updated with each new Local Plan so that it reflects the up-to-date planning strategy for the borough.

<b>Acronym</b>	<b>Term</b>	<b>Description</b>
SA	Sustainability Appraisal	The SA is a tool for appraising policies and proposals to ensure they reflect sustainable development objectives, including social, economic and environmental objectives. An SA must be undertaken for all local plans and incorporates a Strategic Environmental Assessment.
SCI	Statement of Community Involvement	The SCI specifies how the community and stakeholders will be involved in the process of preparing local planning documents, Neighbourhood Development Plans and the Development Management process.
SEA	Strategic Environmental Assessment	SEA is a generic term used to describe the environmental assessment of policies, plans and programmes. The European SEA Directive requires a formal environmental assessment of certain plans and programmes, including those in the field of planning and land use.
SoS	Secretary of State	Secretary of State for Housing, Communities and Local Government.
SPD	Supplementary Planning Document	An SPD provides further detail to policies set out in local plans. SPDs are a material consideration in the decision making process but are not part of the Development Plan or the Local Plan. They follow a statutory production and consultation process.

Table 4.1 Glossary of terms

## Planning and Infrastructure Policy Advisory Committee

**6 July 2022**

### Neighbourhood Planning Protocol Update

<b>Timetable</b>	
<b>Meeting</b>	<b>Date</b>
Planning and Infrastructure Policy Advisory Committee	6 July 2022
Executive	27 July 2022

<b>Type of Decision</b>	Key
<b>Urgency</b>	Not Applicable
<b>Final Decision-Maker</b>	Executive
<b>Lead Head of Service</b>	Phil Coyne (Interim Director, Local Plan Review), Rob Jarman (Head of Planning and Development)
<b>Lead Officer and Report Author</b>	Anna Ironmonger (Planning Officer, Strategic Planning)
<b>Classification</b>	Public
<b>Wards affected</b>	All

#### Executive Summary

Strategic Planning and Infrastructure Committee approved amendments to the Neighbourhood Planning Protocol at its meeting on 7 July 2020. The changes can be categorised as a) changes to reflect amended practices used by the Council and b) changes to reflect the Statement of Community Involvement addendum (which the Neighbourhood Planning Protocol must comply with) in response to government guidance issued during the Coronavirus pandemic. As restrictions relating to the Coronavirus pandemic have now been lifted, an amendment is required to the Neighbourhood Planning Protocol to remove reference to the Coronavirus measures. Further changes to the Neighbourhood Planning Protocol are proposed to provide more detail on the modification of 'made' neighbourhood plans and to ensure that the Protocol reflects recent changes to the Council's decision making process (new Executive model). This report is to be considered by the Policy Advisory Committee before being passed to the Executive for decision.

#### Purpose of Report

To provide the updated Neighbourhood Planning Protocol (Appendix 1) and to seek views from this Policy Advisory Committee, prior to decision by the Executive.

**This report asks the Committee to consider the following recommendation to the Executive:**

1. That the Neighbourhood Planning Protocol, attached at Appendix 1 to the report, be approved.
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# Neighbourhood Planning Protocol Update

## 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	The recommendations will by themselves not materially affect achievement of cooperate priorities.	Head of Planning and Development
<b>Cross Cutting Objectives</b>	The recommendations will by themselves not materially affect achievement of cross-cutting objectives.	Head of Planning and Development
<b>Risk Management</b>	Already covered in the risk section.	Head of Planning and Development
<b>Financial</b>	The work of the team in supporting Neighbourhood Planning groups is funded in the first instance from Government grant that has been made available for this purpose.	S151 Officer and Finance Team
<b>Staffing</b>	We will deliver the recommendation with our current staffing.	Head of Planning and Development
<b>Legal</b>	The protocol, as drafted, reflects the individual regulatory stages of plan making as set out in the Neighbourhood Planning (General) Regulations 2012, and ensures that statutory requirements are clear to those involved.	Senior Lawyer (Planning); Mid Kent Legal Services
<b>Information Governance</b>	Accepting the recommendations will not increase the volume of data held by the Council.	Information Governance Team
<b>Equalities</b>	The recommendations do not propose a change in service therefore will not require an equalities impact assessment	Equalities & Communities Officer
<b>Public Health</b>	There are no implications for public health.	Public Health Officer
<b>Crime and Disorder</b>	There are no implications for crime and disorder.	Head of Planning and Development
<b>Procurement</b>	A procurement waiver is in place for the appointment of examiners for neighbourhood plan examinations.	Head of Planning and Development

<b>Biodiversity and Climate Change</b>	There are no implications on biodiversity and climate change.	Biodiversity and Climate Change Manager
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## 2. INTRODUCTION AND BACKGROUND

- 2.1 The Council's policy for supporting neighbourhood planning groups is set out in the Maidstone Statement of Community Involvement (SCI). The SCI also explains how the Council will consult statutory bodies, stakeholders and the public at each stage of the neighbourhood plan making process. The Neighbourhood Planning Protocol (the Protocol) must comply with the SCI. The Protocol, in addition to satisfying consultation requirements, includes detailed actions for all regulatory stages and, equally important, specifies the decision-making processes for each stage of the neighbourhood planning process.
- 2.2 Strategic Planning and Infrastructure Committee approved amendments to the Neighbourhood Planning Protocol at its meeting on 7 July 2020. The changes which were made can be summarised as:
- A. Changes to reflect amended practices used by the Council for processing neighbourhood plans and therefore improving clarity for the reader
  - B. Changes to reflect the Statement of Community Involvement addendum<sup>1</sup>, in response to government guidance issued during the Coronavirus pandemic.
- 2.3 Government guidance issued in response to the Coronavirus pandemic has now been lifted and the neighbourhood planning process has returned to how it was prior to the pandemic. An amendment is therefore required to the Protocol to remove any reference to the Coronavirus measures.
- 2.4 It is also desirable to make further changes to the Protocol to cover the modification of 'made' neighbourhood plans. The current Protocol makes reference to the modification of 'made' Neighbourhood Plans but does not provide detail. Proposed changes will provide clarity as to how modifications to a made Neighbourhood Plan will be dealt with.
- 2.5 The Neighbourhood Planning Protocol outlines that at key stages Council Members are required to make a decision. The Council has recently moved to a new Executive model whereby decisions are made by Members on the Executive, rather than committees. Amendments have been proposed to ensure the Neighbourhood Planning Protocol reflects this change in the decision making process.

### **Post Coronavirus pandemic**

- 2.6 The amendments made to both the SCI and the Neighbourhood Planning Protocol in response to the Coronavirus pandemic predominately affected the availability of material at inspection points. SPI committee at its July 2020

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<sup>1</sup> SPI 9 June 2020



meeting also resolved to amend the referendum process. Where a referendum could not take place, the Protocol gave significant weight to Neighbourhood Plans ahead of a referendum decision<sup>2</sup>.

- 2.7 The Government guidance in response to the Coronavirus pandemic has now been lifted and the neighbourhood planning process has returned to how it was prior to the pandemic. An amendment to the Neighbourhood Planning Protocol is therefore required to remove reference to the Coronavirus measures.

### **Modifications to Neighbourhood Plan**

- 2.8 Neighbourhood Planning is very active in the Borough with 7 'made' Neighbourhood Plans. Some of these plans are now at a stage where the relevant Parish Council has indicated it would like to review and modify its Neighbourhood Plan.
- 2.9 The current Protocol refers to the modification of 'made' Neighbourhood Plans but does not provide detail of the specific regulations<sup>3</sup>. Having consideration for the popularity of Neighbourhood Planning in the Borough and requests by Parish Councils to review and modify their Plans, it is desirable to make further changes to the Neighbourhood Planning Protocol to provide clarity as to how modifications to Neighbourhood Plan will be dealt with.

### **Change in decision making process**

- 2.10 The Neighbourhood Planning Protocol outlines that at key stages Council Members are required to make decisions on individual neighbourhood plans. These decisions include a decision to move to referendum or decision to formally adopt (make) a neighbourhood plan.
- 2.11 The Council has recently moved to a new Executive model whereby decisions are made by Members on the Executive, rather than committees as previously. Therefore, amendments have been proposed to ensure the Neighbourhood Planning Protocol reflects this change in the decision making process.

### **Summary**

- 2.12 In summary there are three groups of changes to the Neighbourhood Planning Protocol which are being proposed. Firstly, removal of measures post Coronavirus pandemic. Secondly, to provide clarity for modifying Neighbourhood Plans. Thirdly, to ensure that the Protocol reflects recent changes to the Council's Executive decision making process. This report is recommending that Executive approves the updated Neighbourhood Planning Protocol attached at Appendix 1. For ease, updates are highlighted in the appendix document but will not appear in the final document. If approved, the Protocol will be uploaded to the Council's website.

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<sup>2</sup> Following a successful referendum, unless material considerations indicate otherwise, the neighbourhood plan becomes part of the Maidstone Development Plan.

<sup>3</sup> Regulation 30 of the Neighbourhood Planning (General) Regulations 2012

- 2.13 It is also of note that through the Levelling-Up and Regeneration Bill (that is in its early stages of passage through the Houses of Parliament and Lords) that the Government is proposing a raft of further changes to Neighbourhood Planning. Officers will monitor the passage of the Bill including future Royal Assent and any subsequent secondary legislation which will require further amendments to the protocol. Officers will report these to this Committee and the Executive as and when the need arises.
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### **3. AVAILABLE OPTIONS**

- 3.1 Option A: That the Planning and Infrastructure Policy Advisory Committee recommend that the changes to the updated Neighbourhood Planning Protocol (1) Post Coronavirus pandemic, 2) Modifications to Neighbourhood Plans and 3) Executive decision making process) are not approved by the Executive. The protocol would not then align with how Neighbourhood Planning is carried out in practice, nor will it be in alignment with the Statement of Community Involvement. This option would diminish the value of the protocol.
- 3.2 Option B: That the Planning and Infrastructure Policy Advisory Committee recommend that some of the changes to the updated Neighbourhood Planning Protocol (either 1) Post Coronavirus pandemic or 2) Modifications to Neighbourhood Plans or 3) Executive decision making process) are approved by the Executive. The protocol would not then align with how Neighbourhood Planning is carried out in practice, nor will it be in alignment with the Statement of Community Involvement. This option would diminish the value of the protocol.
- 3.3 Option C: That the Planning and Infrastructure Policy Advisory Committee recommend that the changes to the updated Neighbourhood Planning Protocol (1) Post Coronavirus pandemic, 2) Modifications to Neighbourhood Plans and 3) Executive decision making process) are approved by the Executive. The protocol would align with how Neighbourhood Planning is carried out in practice and it will be in alignment with the Statement of Community Involvement.
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### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 The preferred option is Option C. Statutory requirements for neighbourhood plan making will prevail if there is a conflict with the Council's neighbourhood planning protocol. The protocol makes clear who is responsible for the detailed actions at various stages of the neighbourhood planning process and confirms relevant decision making authority and the expected outcomes from each stage of the process. The protocol provides consistency of approach and helps to manage the expectations of those groups preparing plans. It is a valuable tool for Councillors, officers, parish councils and neighbourhood forums when plans are in preparation.
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## **5. RISK**

- 5.1 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council's Risk Management Framework (paragraph 4.1). Officers 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 Executive and then, if approved, the Protocol will be uploaded to the Council's website.

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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: Neighbourhood Planning Protocol

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## **8. BACKGROUND PAPERS**

None.

## APPENDIX 1: NEIGHBOURHOOD PLANNING PROTOCOL

The neighbourhood planning protocol has been prepared in accordance with the regulatory stages of The Neighbourhood Planning (General) Regulations 2012 (as amended) and refers to The Neighbourhood Planning (Referendums) Regulations 2012 (as amended). ~~The protocol aligns with the Maidstone Statement of Community Involvement (SCI) and, in response to government guidance on the neighbourhood planning process during the coronavirus pandemic, the Council has adopted an addendum to the SCI. The neighbourhood planning protocol will comply with the SCI addendum, which predominantly affects the availability of material at inspection points.~~

Plan stage	Regulatory stage	Tasks	Responsibility	<del>Committee-Member</del> decision/ delegated authority	Outcome
General		In addition to the support and assistance given to parish councils and neighbourhood forums, as set out in MBC's Statement of Community Involvement: 1. Meetings with parish councils or neighbourhood forums, where appropriate. 2. If requested by parish councils or neighbourhood forums, submission of informal general comments on pre-Regulation 14 and pre-Regulation 15 draft neighbourhood plans.	MBC Strategic Planning Team	N/A	Neighbourhood plans meet statutory requirements and move forward to successful examination and referendum.
Neighbourhood area application made by a parish council where the area follows the parish boundary	5, 5A and 7	1. Check the application meets statutory requirements and that the proposed area does not conflict with other designated areas. 2. Acknowledge receipt of the application. 3. Prepare a delegated report. 4. Notify the local and adjacent parish councils, neighbourhood forums and ward councillors of the decision (by email). 5. Publish details on the MBC website. 6. Place a public notice in the local newspaper.	MBC Strategic Planning Team	Delegated authority is given to the Head of Planning and Development.	Publicity requirements are met, and the neighbourhood area is designated.
Neighbourhood forum application made by a qualifying body (e.g. Residents	8, 9, 9A and 10	1. Check the application meets statutory requirements. 2. Acknowledge receipt of the application. 3. Arrange <b>local consultation to run for a minimum 6 weeks:</b> a) Notify the local and adjacent parish councils,	<u>Tasks 1-3 and 5-9</u> MBC Strategic Planning Team	Delegated authority is given to the Head of Planning and Development.	Consultation and publicity requirements are met, and the neighbourhood forum

Plan stage	Regulatory stage	Tasks	Responsibility	<del>Committee Member</del> decision/ delegated authority	Outcome
Association)		<p>neighbourhood forums and ward councillors of the consultation (by email)</p> <p>b) Publish details on the MBC website (to include a statement that no other body may be designated for the same neighbourhood area)</p> <p>c) Place a public notice in the local newspaper (to include a statement that no other body may be designated for the same neighbourhood area).</p> <p>4. The neighbourhood forum to publicise the consultation through its website and other means such as posters, meetings and newsletters.</p> <p>5. Manage representations received, and acknowledge receipt.</p> <p>6. Prepare a delegated report – a <b>decision must be made with 13 weeks of the start of consultation.</b></p> <p>7. Notify the local and adjacent parish councils, neighbourhood forums and ward councillors of the decision (by email).</p> <p>8. Notify those who submitted representations of the decision.</p> <p>9. Publish details on the MBC website.</p>	<p><u>Task 4</u> Neighbourhood Forum</p>		<p>is designated.</p> <p>Or</p> <p>Consultation, publicity and notification requirements are met, and the neighbourhood forum application is refused.</p> <p><b>Note: Designation of a neighbourhood forum expires after five years and the appropriate body must re-submit an application.</b></p>
Neighbourhood area application made by a parish council or neighbourhood forum where the area does not follow the parish boundary	5, 6, 6A and 7	<p>1. Check the application meets statutory requirements.</p> <p>2. Acknowledge receipt of the application.</p> <p>3. Arrange <b>local consultation to run for a minimum 6 weeks:</b></p> <p>a) Notify the local and adjacent parish councils, neighbourhood forums and ward councillors of the consultation (by email)</p> <p>b) Publish details on the MBC website</p> <p>c) Place a public notice in the local newspaper.</p> <p>4. The parish council or neighbourhood forum to publicise the consultation through its website and other means such as posters, meetings and newsletters.</p> <p>5. Manage representations received, and acknowledge receipt.</p>	<p><u>Tasks 1-3 and 5-9</u> MBC Strategic Planning Team</p> <p><u>Task 4</u> Parish Council or Neighbourhood Forum</p>	Delegated authority is given to the Head of Planning and Development	<p>Consultation, publicity and notification requirements are met, and the neighbourhood area is designated.</p> <p>Or</p> <p>Consultation, publicity and notification requirements are met,</p>

Plan stage	Regulatory stage	Tasks	Responsibility	<del>Committee Member</del> decision/ delegated authority	Outcome
		6. Prepare a delegated report – a <b>decision must be made with 13 weeks of the start of consultation.</b> 7. Notify the local and adjacent parish councils and ward councillors of the decision (by email). 8. Notify those who submitted representations of the decision. 9. Publish details on the MBC website.			and the neighbourhood area application is refused.
Consultation on a pre-submission draft neighbourhood plan or modification proposal	14	<p><b><u>Pre-Consultation on a pre-submission draft neighbourhood plan or modification proposal</u></b></p> <ol style="list-style-type: none"> <li><u>Prior to consultation on a pre-submission draft neighbourhood plan or modification proposal, the Parish Council or Neighbourhood Forum to submit a draft plan or modification proposal.</u></li> <li><u>MBC to prepare an SEA/HRA<sup>1</sup> Screening Report. Forward the Screening Report and draft neighbourhood plan to Historic England, Natural England and the Environment Agency for their views. <b>The bodies have 5 weeks to respond.</b> Update the Screening Report and forward to the parish council or neighbourhood forum (refer to Annex A).</u></li> <li><u>If an SEA/HRA is required, the parish council or neighbourhood forum is responsible for preparing a Scoping Opinion and an SEA/HRA prior to the formal submission of its plan to MBC.</u></li> </ol> <p><b><u>Consultation on a pre-submission draft neighbourhood plan or modification proposal: At this stage Maidstone Borough</u></b></p>	<p><del>Tasks 1 and 4-52, 5 &amp; 6</del> MBC Strategic Planning Team</p> <p><del>Tasks 1, 3, 4 &amp; 72-3</del> Parish Council or Neighbourhood Forum</p>	Delegated authority is given to the Head of Planning and Development	Submission draft neighbourhood plan or modification proposal and, if required, an SEA/HRA.

<sup>1</sup> [Strategic environmental assessment/habitats regulations assessment](#)

Plan stage	Regulatory stage	Tasks	Responsibility	<del>Committee Member</del> decision/ delegated authority	Outcome
		<p><b>Council is a consultee</b></p> <p><del>1. Upon receipt of the draft plan or modification proposal, prepare an SEA/HRA<sup>2</sup> Screening Report. Forward the Screening Report and draft neighbourhood plan to Historic England, Natural England and the Environment Agency for their views. <b>The bodies have 5 weeks to respond.</b> Update the Screening Report and forward to the parish council or neighbourhood forum.</del></p> <p><del>2. If an SEA/HRA is required, the parish council or neighbourhood forum is responsible for preparing a Scoping Opinion and an SEA/HRA prior to the formal submission of its plan to MBC.</del></p> <p><del>3.4.</del> The parish council or neighbourhood forum to undertake a <b>minimum 6-week local consultation exercise</b> on the draft plan or modification proposal, in accordance with regulatory requirements, and to publicise the consultation through its website and other means such as posters, meetings and newsletters.</p> <p><del>4.5.</del> Update the MBC website.</p> <p><del>6.</del> Assess whether the neighbourhood plan or modification proposal conforms to national and local planning policies, and provide written representations to the consultation.</p> <p><del>5.7.</del> <u>If a modification is proposed, then the Neighbourhood Planning Groups needs to state whether they believe that the modifications are so significant or substantial as to change the nature of the plan and give reasons.</u></p>			

<sup>2</sup>~~Strategic environmental assessment/habitats regulations assessment~~

Plan stage	Regulatory stage	Tasks	Responsibility	<del>Committee Member</del> decision/ delegated authority	Outcome
Submission of a draft neighbourhood plan or modification proposal to MBC	15	<ol style="list-style-type: none"> <li>1. Acknowledge receipt of submitted documents, i.e. neighbourhood plan or modification proposal with a map of the neighbourhood area, basic conditions statement, consultation statement, and an environmental report (SEA/HRA) or a statement explaining why this is not required (<a href="#">refer to Annex A</a>). In the case of a modification proposal, a statement as to why the modification proposal is so significant or substantial as to change the nature of the neighbourhood plan must form part of the submission.</li> <li>2. Check that statutory requirements were met at Regulation 14 consultation stage (including consultation with statutory consultees) and at Regulation 15 submission stage.</li> <li>3. A significant change to a neighbourhood plan between Regulations 14 and 15 that results in a 'likely significant effect' on the environment will require an amended SEA/HRA Screening Report and re-consultation with Historic England, Natural England and the Environment Agency. <b>The bodies have 5 weeks to respond.</b> Forward the final Screening Report to the parish council or neighbourhood forum. (Note: Where an SEA/HRA has been prepared, it is the responsibility of the parish council or neighbourhood forum to re-consult the bodies if there has been a significant change that results in a further 'likely significant effect' on the environment). <a href="#">Refer to Annex A</a></li> <li>4. Agree suitable consultation dates with the parish council or neighbourhood forum, and prepare for public consultation</li> </ol>	<p><a href="#">All Tasks</a> MBC Strategic Planning Team</p> <p><a href="#">Task 1</a> <a href="#">Parish Council</a> or <a href="#">Neighbourhood Forum</a></p>	Appointment of Examiner from NPIERS/IPE in accordance with signed procurement waiver.	Draft neighbourhood plan or modification proposal with supporting documentation is ready for consultation and examination.



Plan stage	Regulatory stage	Tasks	Responsibility	<del>Committee</del> Member decision/ delegated authority	Outcome
		<p>(refer to Annex <del>AB</del>).</p> <p>5. Contact NPIERS/IPE<sup>3</sup> and request candidates for the Examiner, and agree a preferred Examiner with the parish council or neighbourhood forum.</p> <p>6. Appoint the Examiner.</p>			
Consultation on a submission draft neighbourhood plan or modification proposal	16	<p>1. Arrange <b>local consultation to run for a minimum 6 weeks</b>:</p> <p>a) Publicise documents on the MBC website (refer to Annex <del>AB</del>).</p> <p>b) Notify the local and adjacent parish councils, neighbourhood forums and ward councillors of the consultation (by email)</p> <p>c) Notify the consultation bodies referred to in the Regulation 15 consultation statement</p> <p>d) Place a public notice in the local newspaper</p> <p>e) Press release (optional).</p> <p>2. The parish council or neighbourhood forum to publicise the consultation through its website.</p> <p>3. Manage the representations received by email or post, and acknowledge receipt.</p> <p>4. Prepare <del>SPI Committee</del> <u>PI PAC/Executive</u> report seeking approval of MBC's response to the Regulation 16 consultation.</p>	<p><u>Tasks 1 and 3-4</u> MBC Strategic Planning Team</p> <p><u>Task 2</u> Parish Council or Neighbourhood Forum</p>	<p><del>SPI Committee</del> <u>Executive</u> decision</p> <p>(The Head of Planning and Development has elected not to use his delegated authority at Regulation 16 because it is important that the <del>Committee</del> <u>Executive</u> has the opportunity to have input into a document that becomes part of the Maidstone Development Plan).</p>	<p>Consultation, publicity and notification requirements are met.</p> <p>MBC's formal representations on the draft neighbourhood plan or modification proposal are submitted.</p> <p>The draft neighbourhood plan or modification proposal with supporting documentation is ready for examination.</p>
Submission of a draft neighbourhood plan or modification	17	<p>1. Send the following documents prepared by the parish council or neighbourhood forum to the Examiner:</p> <p>a) Neighbourhood plan or modification proposal with a map</p>	MBC Strategic Planning Team	N/A	Completion of the examination.

<sup>3</sup> Neighbourhood Planning Independent Examiner Referral Service (NPIERS)/Intelligent Plans and Examinations (IPE)

Plan stage	Regulatory stage	Tasks	Responsibility	<del>Committee Member</del> decision/ delegated authority	Outcome
proposal for Examination		<p>of the neighbourhood area</p> <p>b) Basic conditions statement</p> <p>c) Consultation statement</p> <p>d) An environmental report (SEA/HRA) or a statement explaining why this is not required</p> <p>e) In the case of a modification proposal, <u>two a-statements are prepared independently by both the LPA and the NPG</u> as to why the modification proposal is so significant or substantial as to change the nature of the neighbourhood plan</p> <p>f) Copies of the representations submitted during Regulation 16 consultation.</p> <p><u>2.</u> Liaise as required with the Examiner and the parish council or neighbourhood forum.</p> <p>a. <u>Where a modification is proposed the qualifying body must decide whether to proceed with the examination after the examiner has decided whether the modifications proposed change the nature of the plan.</u></p> <p><u>2.3.</u> If a Fact Check report is produced by the Examiner, arrange for checking with the parish council or neighbourhood forum to enable submission of a joint response.</p>			<p>Receipt of the Examiner's report.</p> <p><b>Note:</b> Neighbourhood plan examinations are usually dealt with by written representations, but the Examiner may arrange a Hearing where plans or the issues arising from representations are complex.</p>

Plan stage	Regulatory stage	Tasks	Responsibility	<del>Committee-Member</del> decision/ delegated authority	Outcome
MBC decision on an Examiner's recommendations	17A	<p>1. On receipt of the Examiner's final report, prepare <del>SPI Committee</del> <u>PI PAC/Executive</u> report recommending the course of action to be taken (accept report / decline report / accept and make modifications).</p> <p>2. If <del>SPI Committee</del> <u>Executive</u> accepts the Examiner's recommendations (with or without modifications) to hold a referendum, then the next step is to arrange the referendum.</p> <p>a. <u>Where a modification is proposed that would not change the nature of the plan (and the examiner finds that the proposal meets the basic conditions or would with further modifications) a referendum is not required. Executive accepts the examiners recommendation and proceeds to Regulation 19.</u></p> <p>2-3. If <del>SPI Committee</del> <u>Executive</u> accepts the Examiner's recommendation that a neighbourhood plan or modification proposal does not pass examination, the plan will not proceed to referendum.</p> <p>3-4. If <del>SPI Committee</del> <u>Executive</u> declines to accept the Examiner's recommendations, then MBC must undertake a 6-week consultation on its decision<sup>4</sup> in accordance with the provisions of Regulation 17A.</p> <p>4-5. Prepare a decision statement <b>within 5 weeks of receipt of the Examiner's report, or by a later date agreed in writing with the parish council or neighbourhood forum.</b></p>	MBC Strategic Planning Team	<p><del>SPI Committee</del> <u>Executive</u> decision</p> <p>(The Head of Planning and Development has elected not to use his delegated authority at Regulation 17A because it is important that the <del>Committee</del> <u>Executive</u> has the opportunity to have input into a document that becomes part of the Maidstone Development Plan).</p>	<p>MBC decision to accept (with or without modifications) or decline to accept the Examiner's report.</p> <p><b>Note: 'post-examination draft neighbourhood plan' (as modified by the Examiner) becomes a significant material consideration in decisions on planning applications, but will receive full weight post a successful referendum. Note: Following a decision to move a plan to referendum, the 'post-examination draft neighbourhood plan' (as modified by the Examiner) gains more weight as a material</b></p>

<sup>4</sup> This is not a full consultation – it includes the parish council or neighbourhood forum, those who submitted representations at Regulation 16 stage, and statutory consultees included in the Regulation 15 consultation statement

Plan stage	Regulatory stage	Tasks	Responsibility	<del>Committee Member</del> decision/ delegated authority	Outcome
					<u>consideration in decisions on planning applications.</u>
Publication of the Examiner's report and MBC's decision statement on whether to proceed to referendum	18	<ol style="list-style-type: none"> <li>1. Publish the Examiner's report and MBC's decision statement on the MBC website.</li> <li>2. Notify the parish council or neighbourhood forum of the outcome (by email).</li> <li>3. If, following a successful examination, the Examiner's recommendations (with or without modifications) have been agreed by <del>SPI Committee</del><u>Executive</u>, organise the referendum (refer to Annex <del>BC</del>).</li> </ol>	<u>Tasks 1-3</u> MBC Strategic Planning Team, liaising with MBC Electoral Services Team for task 3	N/A	<p>The draft neighbourhood plan or modification proposal with supporting documentation is ready for referendum.</p> <p><b>Note:</b> <del>Where a decision statement detailing an intention to send a neighbourhood plan to referendum has been issued, that plan can be given significant</del></p>

Plan stage	Regulatory stage	Tasks	Responsibility	<del>Committee Member</del> decision/ delegated authority	Outcome
					<del>weight in decision-making, so far as the plan is material to the application (PPG change in response to the coronavirus pandemic)</del>
Prescribed dates for making a neighbourhood plan	18A	<ol style="list-style-type: none"> <li>1. MBC's decision on the Examiner's report (together with any minor modifications proposed by MBC and agreed with the parish council or neighbourhood forum) must be made within <b>5 weeks of receipt of the report, or a later date agreed in writing with the parish council or neighbourhood forum.</b></li> <li>2. Following a successful referendum, the neighbourhood plan must be made (i.e. adopted by Full Council) <b>within 8 weeks</b> of the date of referendum.</li> </ol>	MBC Strategic Planning Team	N/A	Prescribed dates for making a neighbourhood plan are met.
Referendum	Separate regulations	Hold referendum (refer to Annex B).	MBC Electoral Services Team	N/A	<p>Completion of referendum.</p> <p><b>Note: Following a successful referendum, unless material considerations indicate otherwise, the neighbourhood plan becomes part of the Maidstone Development Plan.</b></p>

Plan stage	Regulatory stage	Tasks	Responsibility	<del>Committee</del> <u>Member</u> decision/ delegated authority	Outcome
Decision to make a neighbourhood plan	19	<ol style="list-style-type: none"> <li>Following an unsuccessful referendum ('NO' result), prepare a statement and publish on the MBC website. Prepare <del>SP</del> <u>Committee</u> <u>PI PAC/Executive</u> report for information.</li> <li>Following a successful referendum, prepare <del>SP</del> <u>Committee</u> <u>PI PAC/Executive</u> report with a recommendation that Full Council makes the neighbourhood plan. <b>The plan must be made within 8 weeks of the referendum date.</b></li> <li>Publish MBC's decision statement on the MBC website, together with details of where the decision statement may be inspected.</li> <li>Notify the parish council or neighbourhood forum of the decision (by email).</li> <li>Notify persons who asked to be notified of the decision.</li> </ol>	MBC Strategic Planning Team	<del>SP</del> <u>Committee</u> <u>Executive</u> decision.  Full Council decision to make a neighbourhood plan	Decision to make, or otherwise, a neighbourhood plan.  Publicity and notification requirements are met.
Publicising the making of a neighbourhood plan	20	<ol style="list-style-type: none"> <li>Publish the neighbourhood plan on the MBC website, together with details of where the plan may be inspected.</li> <li>Notify the parish council or neighbourhood forum (by email).</li> <li>Notify persons who asked to be notified of the making of the neighbourhood plan.</li> <li>Place a public notice in the local newspaper.</li> </ol>	MBC Strategic Planning Team	N/A	Publicity requirements are met.
<u>Publishing a modification</u>	<u>30</u>	<ol style="list-style-type: none"> <li><u>Publish the modified neighbourhood plan on the MBC website, together with details of where the plan may be inspected.</u></li> <li><u>Notify the parish council or neighbourhood forum of the decision (by email).</u></li> <li><u>Notify persons who asked to be notified of the making of the neighbourhood plan that it has been modified.</u></li> <li><u>Place a public notice in the local newspaper.</u></li> </ol>	<u>MBC Strategic Planning Team</u>	<u>N/A</u>	<u>Publicity requirements are met.</u>

| ~~7 July 2020~~ 7 July 2022

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### Annex A: SEA/HRA process

1. Upon receipt of a draft plan or modification proposal prior to Regulation 14, MBC to prepare an SEA/HRA Screening Report to determine whether the neighbourhood plan is likely to have significant environmental effects.
2. Forward the Screening Report and draft neighbourhood plan to Historic England, Natural England and the Environment Agency for their views. **The bodies have 5 weeks to respond.**
3. Update the Screening Report and forward to the parish council or neighbourhood forum
4. If an SEA/HRA is **required**, the parish council or neighbourhood forum is responsible for preparing a Scoping Opinion and an SEA/HRA prior to the formal submission of its plan to MBC.
  - a. Identify other relevant policies, plans and programmes, and sustainability objectives
  - b. Collect baseline information
  - c. Identify sustainability issues and problems
  - d. Develop the strategic environmental assessment framework
  - e. Consult Historic England, Natural England and the Environment Agency on the scope
  - f. Test the neighbourhood plan objectives against the strategic environmental assessment framework
  - g. Develop the neighbourhood plan options including reasonable alternatives
  - h. Evaluate the likely effects of the neighbourhood plan and alternatives
  - i. Consider ways of mitigating adverse effects and maximising beneficial effects
  - j. Propose measures to monitor the significant effects of implementing the neighbourhood plan
  - k. Prepare the environmental report
5. If an SEA/HRA is **not required**, the parish council or neighbourhood forum is responsible for preparing a statement setting out why an SEA/HRA is not required prior to formal submission of its plan to MBC.
6. Regulation 14 to take place and include consultation on the environmental report
7. Parish council or neighbourhood forum to submit their submission neighbourhood plan to MBC (Regulation 15).
8. A significant change to a neighbourhood plan between Regulations 14 and 15 that results in a 'likely significant effect' on the environment will require an amended SEA/HRA Screening Report and re-consultation with Historic England, Natural England and the Environment Agency. **The bodies have 5 weeks to respond.** Forward the final Screening Report to the parish council or neighbourhood forum. (Note: Where an SEA/HRA has been prepared, it is the responsibility of the parish council or neighbourhood forum to re-consult the bodies if there has been a significant change that results in a further 'likely significant effect' on the environment).
9. Formal submission is confirmed by MBC.

### Annex BA: Regulation 16 Consultation Tasks

1. Agree dates for the consultation with the parish council or neighbourhood forum (**min 6 weeks excluding bank holidays**).
2. Agree local deposit points for the documents to be viewed during the consultation (at least 1, preferably 2).



3. Ensure there is a meeting of ~~SPI Committee~~ PI PAC/Executive within the consultation window to allow for an MBC response to be approved.
4. Set up the consultation event and upload the neighbourhood plan and supporting documents to the website.
5. Draft a public notice with dates, information on deposit points and how to comment.
6. Send public notice to Kent Messenger **by the previous Friday before the start of the consultation** to book a space; raise and send a Purchase Order.
7. Use the public notice text to draft a media release and send to Communications for finessing and sending out (optional).
8. Identify all neighbouring wards, parishes and forums (both inside and outside the borough).
9. Draft an email to local and neighbouring ward councillors and parishes/forums advising of the consultation (again use the public notice text). Send out on the **day before the consultation starts**.
10. Liaise with the parish council or neighbourhood forum in producing publicity posters, if required, and request that the neighbourhood plan and supporting documents are uploaded to the qualifying body's website together with consultation details.
11. Arrange the printing and delivery of a copy of the neighbourhood plan and relevant supporting documents for every deposit point. **Make sure these are in place before the start of the consultation.**
12. Advise The Link / Customer Services of the start of the consultation.
13. Update the Neighbourhood Plan web pages.
14. Create a written notification for postal consultees and arrange a mail merge via the print room (if required) including the posting out of the notifications **on the Monday before the consultation.**
15. Write, circulate and publish an ~~SPI Committee~~ PI PAC/Executive report, seeking approval of MBC's formal representation to the consultation. Follow the standard processes in Modern.Gov and the Committee Services timetabling protocols.

#### **Annex CB: Referendum Planning**

1. Liaise with Electoral Services team.
2. Ensure approval to hold the referendum is in place, i.e. the referral period for a Committee decision has closed.
3. Provide a copy of the neighbourhood plan area as designated.
4. Referendums should ideally be held on a Thursday.
5. There is a **minimum 'referendum period' of 28 working days**, when specified documents and an information statement for the referendum must be published on the website and made available for public inspection. The referendum period cannot commence before a decision to move to referendum is made by ~~SPI Committee~~ PI PAC/Executive and, in accordance with the Council's Constitution, the referral period for a Committee decision has closed.
6. A detailed timetable will be provided by the Electoral Services team, in consultation with the Strategic Planning team and the parish council or neighbourhood forum.
7. Assistance from the Strategic Planning team will be required to complete the 'Information for Voters' and the 'Information Statement'.

# Agenda Item 15

## PLANNING AND INFRASTRUCTURE POLICY ADVISORY COMMITTEE

6 July 2022

### S106 Update Spend by Dates

Timetable	
<b>Meeting</b>	<b>Date</b>
Planning and Infrastructure PAC	6 July 2022

<b>Type of Decision</b>	No Decision Required
<b>Urgency</b>	Not Applicable
<b>Final Decision-Maker</b>	Not Applicable
<b>Lead Head of Service</b>	Rob Jarman
<b>Lead Officer and Report Author</b>	Carole Williams
<b>Classification</b>	Public
<b>Wards affected</b>	All

#### Executive Summary

At the 11 January 2022 meeting of the Strategic Planning and Infrastructure Committee, Members resolved that officers ensure that s106 monies are spent before their expiry date focusing on those agreements nearing expiry. This report provides the requested update as set out in the attached Appendix.

#### Purpose of Report

Noting

#### This report makes the following recommendations to the Committee:

1. That the report be noted.

## S106 Update Spend by Dates

### 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> <li>• We do not expect the recommendations will by themselves materially affect achievement of corporate priorities.</li> </ul>	Rob Jarman Head of Planning & 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 achievements of all of the cross cutting objectives.</p>	Rob Jarman Head of Planning & Development
<b>Risk Management</b>	Regular monitoring by its very nature reduces the risks of S106 monies not being spent.	Rob Jarman Head of Planning & Development
<b>Financial</b>	Section 106 contributions provide a source of funding for the Council's capital programme, therefore it is important that the funds are utilised with the agreed timescales.	Paul Holland, Senior Finance Manager
<b>Staffing</b>	We will deliver the recommendations with our current staffing.	Rob Jarman Head of Planning & Development
<b>Legal</b>	No legal implications. This report is for noting only.	Mid Kent Legal Services -

		Planning Team Leader
<b>Information Governance</b>	<ul style="list-style-type: none"> <li>The recommendations will impact personal information (as defined in UK GDPR and Data Protection Act 2018) the Council processes. The Information Governance Team will/have reviewed the processing of personal data affected and the associated documentation has been/will be updated accordingly, including a data protection impact assessment.</li> <li>The recommendations do not impact personal information (as defined in UK GDPR and Data Protection Act 2018) the Council Processes.</li> </ul>	Information Governance Team
<b>Equalities</b>	<ul style="list-style-type: none"> <li>We recognise the recommendations may have varying impacts on different communities within Maidstone. Therefore, we have completed a separate equalities impact assessment [at reference].</li> <li>The recommendations do not propose a change in service therefore will not require an equalities impact assessment</li> </ul>	[Policy & Information Manager]
<b>Public Health</b>	We recognise that the recommendations will not negatively impact on population health or that of individuals.	Public Health Officer
<b>Crime and Disorder</b>	N/A	Rob Jarman Head of Planning & Development
<b>Procurement</b>	N/A	Rob Jarman Head of Planning & Development
<b>Biodiversity and Climate Change</b>	There are no direct implications on biodiversity and climate change. Provisions for open spaces enhancements and cycle racks align with the MBC Action Plan.	James Wilderspin Biodiversity and Climate Change Manager

## **2. INTRODUCTION AND BACKGROUND**

- 2.1 At the 11 January 2022 meeting of the former Strategic Planning and Infrastructure Committee, Members resolved that the report be presented bi-annually and that officers ensure that monies are spent before expiry dates for those agreements nearing these dates. This report provides a further update to the report of 8 March 2022 to the SPI Committee. Appendix 1 to this Report adopts a RAG (red/amber/green) status order of expiry dates.
- 2.2 In this report, 6 S106 contributions have been approved and transferred to the relevant bodies towards the process of delivering projects.
- 2.3 Healthcare – S106 12/1949 - NHS England requested monies & will request S106 13/1943 by September 2022 and S106 14/0475 for the on-going first floor extension works at Headcorn Surgery. The first lot of funds were transferred to the NHS in April 2022 and allocated towards the scheme to convert the “void” space within Headcorn Surgery loft to a GMS space; the additional space will support with accommodating the expanding primary care workforce under The Network Contract Directed Enhanced Services (DES).
  - 2.3.1 S106 14/503755 - requested funds were transferred to the NHS in May 2022 towards flooring replacement at The College Practice and automatic entrance door. The remaining balance towards facilities at the practice will be identified by July 2022.
  - 2.3.2 S106 13/2008- Coxheath Medical Centre project timeline has been delayed due to building industry labour shortages, therefore the money will be drawn down before October 2022.
- 2.4 Cycle Parking- Southeastern Railway and Network Rail requested funds from S106 13/0693 to be allocated towards the delivery of a secure cycle hub at Marden Railway Station including bike repair stand, pump, lighting, and additional CCTV and 40 additional cycle spaces will be provided at the station. This fund will be allocated along with two other Marden S106 funds S106 13/1585 & S106 13/0115 towards cycle improvements at Marden Railway Station.
- 2.5 Open Space- The Council’s Parks and Recreation team have allocated the balance of S106 10/0594 towards the installation of a single post & rail safety fencing opposite Sunningdale Court Square Hill Road to form a low level safety barrier between the play area, footpath and river, S106 15/502916 balance towards works for River Len Nature Reserve and S106 12/0590 balance has been transferred to the Collis Millennium Green Trust towards youth zone play area facilities and surfacing at Collis MG open space.
  - 2.5.1 Parish Council Open Space- 14/0828 Harrietsham Parish Council have advised the Council they are not able to use the money towards the project identified in the S106 (Glebe Fields play area) and so entered discussions earlier this year with the developers to modify the S106 funds to be used for an alternative project. Council officers have made

considerable effort in assisting Harrietsham Parish Council to continue to try to engage with the developer before the funds expire. However, to date the developer has not responded to the parish council who have escalated the matter to the developers' internal complaints body.

- 2.6 Officers have made considerable progress to address the spend of S106 funds due to expire. It is worth noting that with regular monitoring of , meetings with stakeholders and a bi-annual report to this Committee, the risks to the Council impacting on the delivery of capital projects would be significantly reduced.

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### **3. RISK**

- 3.1 The report reduces the risk of monies not being spent under the S106 agreements towards infrastructure.

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### **4. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 4.1 The Strategic Planning and Infrastructure Committee previously agreed that the report be presented bi-annually to ensure that monies are spent before expiry dates for those agreements nearing these dates.

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### **5. REPORT APPENDICES**

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

- Appendix 1: Updated S.106 Spend by Dates to May 2023

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### **6. BACKGROUND PAPERS**

None

Appendix 1 Updated S106 Spend By Date Report - June 2022

S106 Available Funds with Spend by dates up to May 2023

App No	Address	Ward	Type	Definition	Received	Spent	Available	Spend-By Date	Project Status	UPDATE- JUNE 2022
12/1949	(Phase 1)Kent Cottage And Chance Holding, Grigg Lane, Headcorn, Kent, TN27 9TD	Headcorn	Healthcare	towards the provision of healthcare services and facilities within Headcorn Parish	21,769.96	21,769.96	0.00	31/05/2022	Project plan has been developed to convert loft space in the Griggs Lane, Headcorn surgery. Legal documents are being finalised. Project expected to start in April 22. Project expected to start in April 22; completion date tbc.	SPENT- NHS submitted a pro-forma application in April 2022 approved by MBC towards the first floor extension works at Headcorn Surgery. The proposal is to convert the “void” space within Headcorn Surgery loft to a GMS space; the additional space will support with accommodating the expanding primary care workforce under The Network Contract Directed Enhanced Services (DES).
13/0693	The Parsonage, Land East Of Goudhurst Road, Marden	Marden And Yalding	Cycle Parking	towards the provision of bicycle parking facilities at Marden Railway Station	20,716.24	20,716.24	0.00	30/06/2022	MBC are liaising with SE Railway & Network Rail for bicycle parking project at Marden Railway Station	SPENT - Southeastern Railway and Network Rail requested funds from S106 13/0693 to be allocated towards the delivery of a secure cycle hub at Marden Railway Station including; bike repair stand, pump, lighting and additional CCTV and 40 additional cycle spaces will be provided at the station. This fund will be allocated along with two other Marden S106 funds S106 13/1585 & S106 13/0115 towards cycle improvements at Marden Railway Station.Money was transferred Southeastern Railway and Network Rail in May following a pro-forma approved by MBC for the release of funds.
14/0828	(Saxon Place), Land South Of Ashford Road, Harrietsham	Harrietsham And Lenham	Open Space	towards the cost of improvements refurbishment and replacement of offsite outdoor sports facilities and children's and young people's equipped play areas at Glebe Fields and 'Open Space' shall be construed accordingly	108,124.02	0.00	108,124.02	09/08/2022	MBC are liaising with developer re. a modification to s106 for an alternative project. Modification to be submitted by 31st March 2022.	UNSPENT- Harrietsham Parish Council have advised they are not able to use the money towards the project identified in the s106 (Glebe Fields play area). MBC are therefore liaising with the developer and Parish Council re. an alternative project and submission of a modification to the s106 has been requested by 31st March 2022.
14/503755/	Land To The Rear Of Milton Street And Hartnup Street, Maidstone, Kent, ME16 8LL,	Fant	Healthcare	towards improvement of services and facilities in local doctors' surgeries at Blackthorne Surgery, College Practice, Lockmeadow Surgery, Bower Mount Surgery and The Vine Surgery payable in accordance with the provisions set out in Schedule 4	17,982.12	15,863.76	2,118.36	24/08/2022	The College Practice to install automatic entrance doors at the main surgery (50 – 52 College Road). The current door is not appropriate for the patients and staff, replacing the doors will improve physical access to the premises and ensure compliance with the Equality Act 2010.	PARTLY SPENT - Money transferred £15,863.76 to NHS following submitted a pro-forma application in May 2022 approved by MBC towards flooring replacement at The College Practice and automatic entrance door money transferred, remaining balance towards facilities to be identified by July 2022
13/1943	(Phase 2)Land Rear Of The Hardwicks And Elizabeth House,Grigg Lane,Headcorn,Kent,TN27 9TD,	Headcorn	Healthcare	provision of healthcare services and facilities at Surgery Grigg Lane Headcorn (or such other services or facilities as are within NHSCB (NHS England)'s statutory functions)	6,641.27	0.00	6,641.27	02/10/2022	Project plan has been developed to convert loft space in the Griggs Lane, Headcorn surgery. Legal documents are being finalised. Project expected to start in April 22.	UNSPENT- Money remaining to be requested by NHS towards the first floor extension works at Headcorn Surgery. The proposal is to convert the “void” space within Headcorn Surgery loft to a GMS space; the additional space will support with accommodating the expanding primary care workforce under the Network Contract Directed Enhanced Services (DES). NHS will request this money towards project by September 2022.
13/2008	Linden Farm, Stockett Lane, East Farleigh, Maidstone, Kent, ME15 0QD	Coxheath And Hunton	Healthcare	towards expansion and improved services provision at Stockett Lane and Orchard Surgeries, Coxheath.	45,783.83	0.00	45,783.83	08/01/2023	Funding will be pooled towards the new medical centre at Coxheath, expected completion date April 22.	UNSPENT - Coxheath Medical Centre project timeline has been delayed due to building industry labour shortages, therefore the money will be drawn down by October 2022.
10/0594	Kent Music School, Astley House, Hastings Road, Maidstone, Kent, ME15 7SG	High Street	Open Space	improvements to the play area currently sited within Mote Park Maidstone Kent and then any unexpended sums on improvements to the Len Valley Nature Reserve Maidstone Kent	39,554.79	37,425.00	2,129.79	09/01/2023	Mote Park & River Len Nature Reserve	SPEND ALLOCATED -Remaining balance has been allocated to install single post & rail safety fencing opposite Sunningdale Court Square Hill Road to form a low level safety barrier between the play area, footpath and river as approved pro-forma February 2022.
15/502916	British Queen, 7 - 8 Square Hill, Maidstone, Kent, ME15 7TJ,	High Street	Open Space	towards the enhancement, maintenance, and improvement of the River Len Nature Reserve which is local to the Development	23,602.82	19,419.21	4,183.61	25/01/2023	River Len Nature Reserve	SPEND ALLOCATED- Works for River Len Nature Reserve currently being costed prior to pro-forma being submitted for approval. Works programmed for completion by 31st December 2022
12/1749	Land Off, Marigold Way, Maidstone, Kent	Heath	Healthcare	towards improvements to existing and new healthcare services and facilities (including upgrading and improving the doctors surgeries which will serve the Development within a two mile radius of the Site)	26,516.24	0.00	26,516.24	04/02/2023	Project to be identified	UNSPENT - The CCG will continue to work within their Estates Strategy 2021 to understand the ambitions of existing GP practices to identify projects to support the expected growth in population and the requirements from a premises perspective.
12/0590	Land At Depot Site, George Street, Maidstone, Kent, ME15 6NX	High Street	Open Space	for the enhancement maintenance and repair and renewal of the Open Space in the following order of attention: firstly Collis Millennium Green secondly South Park and thirdly Mote Park	52,030.75	52,030.75	0.00	20/02/2023	Funds being spent firstly at Collis Millennium Green by the Collis Millennium Green Trust	SPENT - Balance of £14,550.23 was transferred to the Collis Millennium Green Trust towards youth zone play area facilities and surfacing at Collis MG
14/0095	Land At Bell Farm (Chantry Green), Church Road, Harrietsham, Kent	Harrietsham And Lenham	Healthcare	to be used for the extension refurbishment and/or upgrade of The Glebe Medical Centre (branch of Len Valley Practice) and The Len Valley Practice	51,690.52	0.00	51,690.52	22/03/2023	Len Valley practice - feasibility work recently completed to determine options for premises projects to expand capacity at main and/or branch surgeries. Projects to be determined as a result of the feasibility study.	UNSPENT - Project scoping exercise complete, the practice is working on business case to go through governance.
14/0475	Land Adjacent To 103, Eyhorne Street, Hollingbourne, Maidstone, Kent, ME17 1TX	North Downs	Healthcare	means the extension, refurbishment and or upgrade of Orchard Surgery Langley, Glebe Surgery Harrietsham and Yeomans Lane Surgery, Bearsted all of which are within a 2.5 radius of the Development	20,880.00	8,231.18	12,648.82	25/05/2023	Project plan has been developed to convert loft space in the Griggs Lane, Headcorn surgery. Legal documents are being finalised. Project expected to start in April 22. Project expected to start in April 22; completion date tbc.	UNSPENT- Money remaining to be requested by NHS towards the first floor extension works at Headcorn Surgery. The proposal is to convert the “void” space within Headcorn Surgery loft to a GMS space; the additional space will support with accommodating the expanding primary care workforce under The Network Contract Directed Enhanced Services (DES).