

STRATEGIC PLANNING AND INFRASTRUCTURE COMMITTEE MEETING

Date: Tuesday 12 January 2021

Time: 6.30 pm

Venue: Remote Meeting: The public proceedings of the meeting will be broadcast live and recorded for playback on the Maidstone Borough Council Website

Membership:

Councillors D Burton (Chairman), Clark, English, Garten, Mrs Grigg (Vice-Chairman), McKay, Munford, Parfitt-Reid and Spooner

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.

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 because of the possible disclosure of exempt information.
8. Minutes of the Meeting Held on 8 December 2020 1 - 6
9. Presentation of Petitions (if any)
10. Question and Answer Session for Members of the Public
11. Questions from Members to the Chairman (if any)
12. Committee Work Programme 7
13. Reports of Outside Bodies
14. Medium Term Financial Strategy and Budget Proposals 8 - 17

Issued on Monday 4 January 2021

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

- | | |
|------------------------------|---------|
| 15. Duty to Co-operate | 18 - 30 |
| 16. Local Plan Review Update | 31 - 34 |

INFORMATION FOR THE PUBLIC

In order to ask a question at this remote meeting, please call **01622 602899** or email committee@maidstone.gov.uk by 5 p.m. one clear working day before the meeting (i.e. by 5 p.m. on Friday 8 January 2021). 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 by 5p.m. one clear working day before the meeting (i.e. by 5p.m. on Friday 8 January 2021). 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.

To find out more about the work of the Committee, please visit www.maidstone.gov.uk.

Should you wish to refer any decisions contained in these minutes to the **Policy and Resources Committee**, please submit a Decision Referral Form, signed by **three** Councillors, to the **Head of Policy, Communications and Governance** by: **30 December 2020**

MAIDSTONE BOROUGH COUNCIL

STRATEGIC PLANNING AND INFRASTRUCTURE COMMITTEE

MINUTES OF THE MEETING HELD ON TUESDAY 8 DECEMBER 2020

Present: Councillors D Burton (Chairman), Clark, English, Garten, Mrs Grigg, McKay, Munford, Perry and Springett

Also Present: Councillors Kimmance and Round

263. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Parfitt-Reid and Spooner.

264. **NOTIFICATION OF SUBSTITUTE MEMBERS**

Councillor Perry was present as Substitute Member for Councillor Parfitt-Reid.

Councillor Springett was present as Substitute Member for Councillor Spooner.

265. **URGENT ITEMS**

Item 19 – Fees & Charges 2021/22 would be taken as an urgent item and had been published within the Amended Agenda, as the report was not available at the time of publication. An urgent update to this item would be displayed during the officer introduction to improve visibility of the figures presented. There was no new information contained within the update.

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

Item 19 – Fees and Charges would be taken before Item 16 – Maidstone Authority Monitoring Report, in order that the finance reports would be discussed together.

267. **NOTIFICATION OF VISITING MEMBERS**

Councillors Kimmance and Round were present for Item 16 – Maidstone Authority Monitoring Report.

268. **DISCLOSURES BY MEMBERS AND OFFICERS**

There were no disclosures by Members or Officers.

269. DISCLOSURES OF LOBBYING

Councillors D Burton, Clark, English, Garten, Mrs Grigg and Munford had been lobbied on the following items:

Item 16 – Maidstone Authority Monitoring Report

Item 18 – Local Plan Review Update

270. EXEMPT ITEMS

RESOLVED: That all items be taken in public as proposed.

271. MINUTES OF THE MEETING HELD ON 18 NOVEMBER 2020

RESOLVED: That the Minutes of the meeting held on 18 November 2020 be approved as a correct record and signed at a later date.

272. PRESENTATION OF PETITIONS

There were no petitions.

273. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were no questions from members of the public.

274. QUESTIONS FROM MEMBERS TO THE CHAIRMAN

There were no questions from Members to the Chairman.

275. COMMITTEE WORK PROGRAMME

RESOLVED: That the Committee Work Programme be noted.

276. REPORTS OF OUTSIDE BODIES

There were no reports of Outside Bodies.

277. 2ND QUARTER FINANCIAL UPDATE & PERFORMANCE MONITORING REPORT 2020/21

The Head of Finance introduced the report and explained that the Committee's income shortfall of £1.5 million mainly resulted from the reduced income from planning and parking due to the Covid-19 pandemic. A second application to the Government's Sales, Fees and Charges (SFC) scheme had been submitted, which would be used to offset the losses.

Within the revenue budget, a forecast overspend of around £45,000 against the Local Plan Review had arisen due to climate change assessments, the extension of specialist contracts and the local walking and cycling implementation plan. Capital expenditure had been minimal,

but it was anticipated that the funds would be spent by the end of the financial year.

In response to questions, the Head of Finance confirmed that the funding received from the sales, fees and charges compensation scheme would be re-claimed by central government if the Council was deemed to have overclaimed. The £1 million set aside for the Council's Biodiversity and Climate Change Action Plan, did not include funding for non-spatial policy formation being undertaken by the Spatial Planning Team. It was requested that further information on the feasibility of accessing the funds be added to the Committee Work Programme.

The Senior Business Analyst gave a performance update, informing the committee that two of the six key performance indicators (KPIs) achieved within 10% of their target. These were the Processing of planning applications: major applications, which saw an increase in applications of over 50% compared to the same period last year, and Processing of planning applications: minor applications.

Good performance was highlighted for Percentage of priority 1 enforcement cases dealt with in time, Percentage of priority 2 enforcement cases dealt with in time, and Number of affordable homes delivered, the latter having recovered from the poorer performance in Q1. The number of open enforcement cases for October 2020 was 313 and for November was 303.

Members requested that additional figures regarding enforcement, including the outcomes of closed cases and the status of open cases, be added to the Committee Work Programme. The Head of Planning and Development advised that providing further qualitative information would reduce the time available for Officers to spend on site. It was hoped that such information would be provided digitally in the future, to be retrieved by Members more readily.

The Director of Regeneration and Place referenced the relatively high staff turnover within the planning enforcement team. A redeployment of resources had been agreed; to fill the vacant team leader position and increase the number of staff site visits.

RESOLVED: That

1. The Revenue position as at the end of Quarter 2 for 2020/21, 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 2 be noted; and
3. The Performance position as at Quarter 2 for 2020/21, including the actions being taken or proposed to improve the position, where significant issues have been identified, be noted.

278. MEDIUM TERM FINANCIAL STRATEGY 2021/22 - 2025/26

The Head of Finance introduced the report, which had been prepared in the context of the continued impact of the Covid-19 pandemic and the proposed re-prioritisation of the Strategic Plan objectives as reported to the Policy and Resources Committee in July 2020.

The Committee were informed that Council Tax charge would likely increase by 2% and that the same level of income would be retained under the business rates retention scheme as in the previous year. The cost of borrowing for the capital programme would be reduced to around 1%, providing that the Council was not investing solely for yield.

The results of the residents' survey were highlighted, with the two most important services identified as waste collection and parks and open spaces. The proportion of residents that believed the Council's services represented value for money remained similar to previous years. Further detailed budget proposals to be brought to each committee in January 2021.

The Committee expressed that further comments would be provided once the details proposed had been received.

RESOLVED: That the Medium-Term Financial Strategy be noted and the Committee's comments be taken into account.

279. FEES & CHARGES 2021-22

The Head of Finance introduced the report on the annual review of fees and charges. It was proposed that the deferred increase in parking charges take effect from 1 April 2021, with inflationary increases to building control services and an increase to planning pre-application advice services following a bench-marking exercise that had been undertaken. It was anticipated that there would be a 13.8% income reduction for the Committee in the next financial year.

Several Members expressed concerns that it was inappropriate to increase parking charges due to the ongoing effects of the Covid-19 pandemic and that this would result in reduced demand for the service. Consideration was given to further publicising the Council's car parks to increase their usage. Particular reference was made to reduction in parking income that resulted from the removal of parking spaces to accommodate the King Street cycle lane and the negative feedback received from the active travel scheme.

However, it was highlighted that if the parking charges were not implemented, further savings would have to be found from other services and that the increase had already been deferred due to the pandemic.

The proposed increases to the pre-application fees were discussed, due to the significant difference between the proposed charges and the Kent average. The Head of Planning and Development advised that the services provided across the Kent Authorities varied, so a direct comparison was not possible. Pre-application advice and Planning Performance Agreements (PPA) were not compulsory and the proposed increase to the former was deemed significant in the current economic climate. The Director of Regeneration and Place highlighted that the fees associated with this service had to be cost recovery only.

A request was made for a report concerning the feasibility of increasing PPA fees to be added to the Committee Work Programme.

RESOLVED: That

1. The proposed discretionary fees and charges, as set out in Appendix 1 to the report, be agreed; and
2. The expected statutory fees and charges, as set out in Appendix 1 to the report, be noted.

280. MAIDSTONE AUTHORITY MONITORING REPORT

The Planning Policy Officer introduced the report that outlined the progress made on the local plan's implementation, review and the engagement arising from the duty to cooperate. The period covered was 1 April 2019 to 31 March 2020, with the progress made since then to be included in the next authority monitoring report.

As a result of the reduction in retail and employment space, the approach to these would be reviewed within the current local plan review. Two of the key highway schemes would not be delivered in time, with all schemes to be continually monitored.

The Committee were informed that 134 dwellings had been completed within the time period, which led to a shortfall of 206 against the 9-year target of 7947 since the local plan's adoption.

Several Members highlighted the importance of providing different types of housing across the borough.

RESOLVED: That the report be noted.

281. INFRASTRUCTURE FUNDING STATEMENT 2020

The Head of Planning and Development introduced the report and noted that production of an Infrastructure Funding Statement (IFS) was a statutory requirement that would be published on the Council's website by 31 December 2020.

The IFS replaced the Community Infrastructure Levy (CIL) 1-2-3 list and outlined the financial and non-financial developer contributions that had

been received by the Council over the past year. The document was key to achieving the necessary infrastructure within the Council's adopted local plan. Following a bidding process, the Committee would allocate the CIL funds based on project prioritisation. Section 106 monies would be used on the projects specified. The difference between the CIL and Section 106 was outlined.

RESOLVED: That the report be noted.

282. LOCAL PLAN REVIEW UPDATE

The Principal Planning Officer introduced the report. The ongoing public consultation on the Regulation 18 preferred approaches document was referenced, alongside the pre-consultation exercises undertaken with key stakeholders.

There had been no Government response or likely timescale released in response to the proposed planning reforms consultation that took place between 6 August 2020 to 1 October 2020.

Reference was made to several incorrections within the Council's public consultation document and its accessibility. In response, the Strategic Planning Manager confirmed that an amendment would be published on the Council's website and that the accessibility issue would be raised with the equalities officer.

RESOLVED: That the report be noted.

283. DURATION OF MEETING

6.30 p.m. to 8.17 p.m.

2020/21 WORK PROGRAMME

	Committee	Month	Origin	CLT to clear	Lead	Report Author
Q3 Budget and Performance Monitoring 2020/21	SPI	09-Feb-21	Officer Update	No	Mark Green	Ellie Dunnet
Local Plan Review Update	SPI	09-Feb-21	Officer Update		Phil Coyne	Mark Egerton
Regulation 18 Public Consultation Response	SPI	09-Feb-21	Officer Update		Phil Coyne	Mark Egerton
Local Plan Review Update	SPI	09-Mar-21	Officer Update		Phil Coyne	Mark Egerton
Parking Charges and Tarriff Options	SPI	13-Apr-21	Cllr Request		Jeff Kitson	Jeff Kitson
Local Plan Review Update	SPI	13-Apr-21	Officer Update		Phil Coyne	Mark Egerton
Enforcement Caseload Update	SPI	TBC	Cllr Request		Rob Jarman	U/K
Feasibility of Pre Planning Advice (PPA) Fee Increases	SPI	TBC	Cllr Request		Rob Jarman	U/K
Access to Biodiversity and Climate Change Action Plan Funding	SPI	TBC	Cllr Request		Rob Jarman	Rob Jarman
Overview of the Draft Building Safety Bill and the Implications for the Council	SPI	TBC	Officer Update		William Cornall	Robert Wiseman
Revised Integrated Transport Strategy	SPI	TBC	Cllr Request	Yes	TBC	TBC
Ensuring Conditions are Incorporated in Delegated Decisions	SPI	TBC	Cllr Request	?	Rob Jarman	Rob Jarman
Future Funding Opportunities for the Conservation Area Work Programme	SPI	TBC	Cllr Request		TBC	TBC
Anti-Idling Policy	SPI	TBC	Cllr Request		John Littlemore	John Littlemore
Review of Building Control	SPI	TBC		Yes	Rob Jarman	TBC
KCC 20mph Speed Limit Pilot Scheme - Hale Road	SPI	TBC	Cllr Request		TBC	TBC

Agenda Item 14

STRATEGIC PLANNING AND INFRASTRUCTURE COMMITTEE

12 January 2021

Medium Term Financial Strategy and Budget Proposals

Final Decision-Maker	Council
Lead Head of Service/Lead Director	Mark Green, Director of Finance and Business Improvement
Lead Officer and Report Author	Mark Green, Director of Finance and Business Improvement
Classification	Public
Wards affected	All

Executive Summary

This report forms part of the process of agreeing a budget for 2021/22 and setting next year's Council Tax. Following consideration by this Committee at its meeting on 8 December 2020 of the draft Medium Term Finance Strategy for 2021/22 – 2025/26, this report sets out budget proposals for services within the remit of the Committee. These proposals will then be considered by Policy and Resources Committee at its meeting on 10 February 2021, with a view to determining a budget for submission to Council.

This report makes the following recommendations to this Committee:

1. That the revenue budget proposals for services within the remit of this Committee, as set out in Appendix A, be agreed for submission to Policy and Resources Committee.

Timetable	
Meeting	Date
Strategic Planning and Infrastructure Committee	12 January 2021
Policy and Resources Committee	10 February 2021
Council	24 February 2021

Medium Term Financial Strategy and Budget Proposals

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	The Medium Term Financial Strategy and the budget are a re-statement in financial terms of the priorities set out in the strategic plan. They reflect the Council's decisions on the allocation of resources to all objectives of the strategic plan.	Section 151 Officer & Finance Team
Cross Cutting Objectives	The MTFS supports the cross-cutting objectives in the same way that it supports the Council's other strategic priorities.	Section 151 Officer & Finance Team
Risk Management	This has been addressed in section 5 of the report.	Section 151 Officer & Finance Team
Financial	The budget strategy and the MTFS impact upon all activities of the Council. The future availability of resources to address specific issues is planned through this process. It is important that the committee gives consideration to the strategic financial consequences of the recommendations in this report.	Section 151 Officer & Finance Team
Staffing	The process of developing the budget strategy will identify the level of resources available for staffing over the medium term.	Section 151 Officer & Finance Team
Legal	Under Section 151 of the Local Government Act 1972 (LGA 1972) the Section 151 Officer has statutory duties in relation to the financial administration and stewardship of the authority, including securing effective arrangements for treasury management. The legal implications are detailed within the body of the report which is compliant with statutory and legal regulations such as the CIPFA Code of Practice on Treasury Management in Local Authorities. In considering the impact of Covid-19 on the Council's financial position in 2020/21, consideration should be given to the Council's legal duty to set a balanced budget. Appropriate remedial action should be taken if at any time it appears likely that expenditure	Principal Solicitor Corporate Governance

	<p>will exceed available resources. The S151 Officer has a personal duty under Section 114(3) of the Local Government Finance Act 1988 to report to the Council if it appears that the set budget will be exceeded. Having received a S114 report, members are obliged to take all reasonable practical measures to bring the budget back into balance.</p> <p>The Council is required to set a council tax by the 11 March in any year and has a statutory obligation to set a balanced budget. The budget requirements and basic amount of Council Tax must be calculated in accordance with the requirements of sections 31A and 31B to the Local Government Finance Act 1992 (as amended by sections 73-79 of the Localism Act 2011).</p> <p>The Council is required to determine whether the basic amount of council tax is excessive as prescribed in regulations - section 52ZB of the 1992 Act as inserted under Schedule 5 to the Localism Act 2011. The Council is required to hold a referendum of all registered electors in the borough if the prescribed requirements regarding whether the increase is excessive are met.</p> <p>Approval of the budget is a matter reserved for full Council upon recommendation by Policy and Resources Committee on budget and policy matters.</p>	
Privacy and Data Protection	Privacy and Data Protection is considered as part of the development of new budget proposals. There are no specific implications arising from this report.	Policy and Information Team
Equalities	The MFTS report scopes the possible impact of the Council's future financial position on service delivery. When a policy, service or function is developed, changed or reviewed, an evidence-based equalities impact assessment will be undertaken. Should an impact be identified appropriate mitigations will be identified.	Equalities and Corporate Policy Officer
Public Health	The resources to achieve the Council's objectives are allocated through the development of the Medium Term Financial Strategy.	Public Health Officer

Crime and Disorder	The resources to achieve the Council's objectives are allocated through the development of the Medium Term Financial Strategy.	Section 151 Officer & Finance Team
Procurement	The resources to achieve the Council's objectives are allocated through the development of the Medium Term Financial Strategy.	Section 151 Officer & Finance Team

2. INTRODUCTION AND BACKGROUND

Medium Term Financial Strategy

- 2.1 At its meeting on 8 December 2020, this Committee considered a draft Medium Term Financial Strategy (MTFS) for the next five years. No material amendments were proposed to the Strategy by this Committee or the other Committees which considered it in December, so it will now go forward to Council for approval at its meeting on 24 February.
- 2.2 The MTFS sets out in financial terms how the Strategic Plan will be delivered, given the resources available. The MTFS builds on the previous year's MTFS, but reflects the impact of Covid-19 by incorporating a re-prioritisation of Strategic Plan objectives, together with proposals for transformational budget savings to address the financial challenges that the Council now faces.
- 2.3 The financial projections underlying the MTFS were prepared under three different scenarios – adverse, neutral and favourable. All three scenarios assumed that budget proposals for future years which have already been agreed by Council will be delivered, and that Council Tax is increased by 2% in 2021/22. Existing budget savings proposals are shown in Appendix A for this Committee and total £1.7 million for all Committees over the MTFS period.

Local Government Finance Settlement 2021/22

- 2.4 The Provisional Local Government Finance Settlement for 2021/22 was announced on 17 December 2020. This confirmed several of the key assumptions incorporated in the MTFS.
- The Council Tax referendum limit will be 2%.
 - The existing Business Rates regime will remain in place. Whilst the business rates multiplier will be frozen for ratepayers, local authorities will be compensated for the consequent loss of an inflationary increase.
 - There will be no negative Revenue Support Grant.
- 2.5 Additionally, the Finance Settlement recognised the likely continuing impact of Covid-19 in 2021/22, and included a number of measures intended to support local government:
- a further £1.55 billion unringfenced grant to manage the immediate and long-term impacts of the pandemic;

- £670 million to help address the loss of Council income arising from more taxpayers requiring Council Tax Support;
- ongoing compensation for 75% of lost sales, fees and charges for the first three months of 2021/22.

The government expects councils to use the £1.55 billion unringfenced grant for priority pressures such as household waste collection, homelessness and rough sleeping, support for re-opening the country and the additional costs associated with local elections in May 2021. Councils have been told to plan on the basis of not receiving any additional funding for these pressures, so a careful assessment is needed of the financial impact of the pressures before concluding that any of the grant can be released to support general spending.

- 2.6 As announced in the Chancellor's Spending Review on 25 November, Public Works Loan Board (PWLB) lending terms have been altered to prevent the use of PWLB borrowing for investment property bought primarily for yield. In return lending rates have been reduced by 1%, reducing the cost of borrowing.
- 2.7 There will be a new round of New Homes Bonus (NHB) payments in 2021/22, but there will be no ongoing payments in future years (as envisaged when NHB was introduced originally). In Maidstone's case, this means that New Homes Bonus will fall from £4.4 million in 2020/21 to £3.8 million in 2021/22. Other authorities have seen much bigger reductions, so to prevent those authorities seeing an overall reduction in their Core Spending Power, the government is using a new grant, the Lower Tier Services Grant (LTSG), to cushion the impact.
- 2.8 The outcomes for the Council's budget gap of the above measures, before allowing for any further growth or savings, are set out below.

	21/22	21/22	22/23	23/24	24/25
	£m	£m	£m	£m	£m
Budget gap (-) / surplus as reported on 01/12/20	-2.4	0.0	0.2	0.7	0.3
Adjustments:					
Local Council Tax Support grant (note A)	0.3	-0.3			
Sales Fees and Charges compensation (note A)	0.1	-0.1			
Business Rates indexation	0.2				
Reduction in borrowing costs (note B)	0.2	0.1	0.1	0.1	0.1
Updated budget gap (-) / surplus	-1.6	-0.3	0.3	0.8	0.4

Notes:

- A. See para 2.5 above. One-off grants are shown as reversing out in 21/22, to reflect the fact that they will only offset the ongoing budget gap for one year.
- B. The reduction in borrowing costs is assumed to be sustained over the five year MTFS planning period. It benefits every year, reflecting the fact that further borrowing is planned every year.
- C. The above table does not include Maidstone's share of the £1.55 bn unringfenced Covid-19 grant, amounting in our case to £860,000, on the basis that it will be required to deal with Covid-19 related pressures. The position will be monitored carefully during the course of the year to confirm whether this is in fact the case. If not, the Council may decide to release some of the grant to address general budget pressures.
- D. It is assumed that Maidstone's share of the LTSG, amounting to £139,000, is treated in the same way as New Homes Bonus, ie it is ringfenced for capital expenditure unless required to bridge the budget gap over the coming three years.
- E. Final projections for the MTFS planning period will be set out in a Strategic Revenue Projection, to accompany the budget proposals to be considered by P & R Committee on 10 February 2021.

2.9 It can be seen from the table above that the effect of the government's announcements is to reduce the budget gap and to defer some of the impact to future years. It remains the case that the Council needs to continue planning for a significant reduction in resources over the next three years.

2.10 As explained in the draft MTFS, it may take 3 – 4 years to deliver savings to cover the budget gap. It is therefore proposed that any budget gap not covered within the year that it arises will be covered by revenue resources hitherto earmarked for other purposes, starting with New Homes Bonus.

Revenue Budget Proposals

2.11 The MTFS outlined an approach to addressing the budget gap, which combined a re-prioritisation of Strategic Plan objectives, together with proposals for transformational budget savings. Members considered at Policy and Resources Committee on 16th September 2020 a number of ways in which the Strategic Plan could be re-prioritised, including:

- A more modest direction of travel in developing the museum
- Reconsidering the sustainability of the Hazlitt Theatre
- Reviewing the scope of our community safety work.

At the same time, a number of lines of inquiry, to include radical initiatives to change the way the Council works, would be explored, as follows:

1. Review of office accommodation
2. Better use of technology
3. Better use of external grant funding
4. Identifying further opportunities for income generation

5. Capital investment to generate revenue savings
6. Service improvements, eg better service commissioning
7. Review of shared service arrangements
8. Review of staff reward packages
9. Review of the structure of democratic representation
10. Exploit synergies between service areas.

In pursuing these lines of inquiry, it was made clear that no service could be exempt from the requirement to consider the need for transformation. Budget savings in relation to 2 and 6 have been identified within the remit of this Committee and are described below. Additionally, budget growth needs to be accommodated as described below under the heading 'Other savings and growth'. All proposed new revenue budget savings and growth items are set out in in Appendix A, together with existing budget savings agreed as part of the budget process in previous years.

2.12 Better use of technology

There continues to be scope for improvement in the use of technology in the planning service. Innovation in respect of digitalisation / archiving is expected to yield £75,000 of savings in Development Management by 2022/23. This will be the result of a corporate transformation project in respect of new ways of working / service innovation.

Note that no savings, other than those agreed at the time of the last budget setting in February 2020, are being put forward for Planning in 2021/22, in order to allow time for proposals around better use of technology to be developed fully.

2.13 Service improvements

As noted in a report on re-prioritisation of strategic objectives to Policy and Resources Committee on 16th September 2020, the Government is currently consulting on far reaching changes to the planning system through its "Planning for the Future" White Paper. It was agreed that action was required on the Council's part to reflect on the effectiveness of our current services and reconsider our service delivery model. Along with better use of technology, it is anticipated that this will yield £75,000 of savings by 2023/24 through bringing in the concepts introduced in the White Paper around the simplification of the Local Plans process.

2.14 Other savings and growth - Parking

9 parking bays have been removed from King Street to accommodate a cycle scheme introduced by Kent County Council in 2020. Although this scheme is still subject to consultation, it is assumed that there will be a permanent loss of income from these bays.

Note that parking income overall is expected to be lower in 2021/22 than the previous budgeted figure, owing to the ongoing impact of Covid-19. For budgeting purposes, this loss of income is treated as a temporary change in income rather than a permanent change, so is not dealt with as a savings / growth item. The anticipated increase in income of £30,000 in 2021/22,

included in 'existing savings' in Appendix A, is likewise deferred until 2022/23. The likely actual position for 2022/23 will be reviewed again as part of the budget setting process this time next year.

- 2.15 Budget proposals have been developed, following the same principles, for services within the remit of the other Service Committees. Taken in total, it is projected that the savings proposals will allow the budget to be balanced over the three years 2021/22 to 2023/24.

3. AVAILABLE OPTIONS

- 3.1 Agree the budget proposals relating to this Committee as set out in Appendix A for onward submission to the Policy and Resources Committee.
- 3.2 Propose changes to the budget proposals.
- 3.3 Make no comment on the budget proposals.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 The Policy and Resources Committee must recommend to Council at its meeting on 10 February 2021 a balanced budget and a proposed level of Council Tax for the coming year. The budget proposals included in this report will allow the Policy and Resources Committee to do this. Accordingly, the preferred option is that this Committee agrees the budget proposals at Appendix A.

5. RISK

- 5.1 The Council's MTFS is subject to a high degree of risk and uncertainty. In order to address this in a structured way and to ensure that appropriate mitigations are developed, the Council has developed a budget risk register. This seeks to capture all known budget risks and to present them in a readily comprehensible way. The budget risk register is updated regularly and is reviewed by the Audit, Governance and Standards Committee at each of its meetings.

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 Policy and Resources Committee received an initial report on the MTFS at its meeting on 21 July 2020 and it agreed the approach set out in that report to development of an MTFS for 2021/22 - 2025/26 and a budget for 2021/22.
- 6.2 Service Committees and Policy and Resources Committee then considered a draft MTFS at their meetings in December 2020.

6.3 Public consultation on the budget has been carried out. Details were reported to this Committee at its meeting in December 2020.

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

7.1 The timetable for developing the budget for 2021/22 is set out below.

<i>Date</i>	<i>Meeting</i>	<i>Action</i>
January 2021	All Service Committees	Consider 21/22 budget proposals
10 February 2021	Policy and Resources Committee	Agree 21/22 budget proposals for recommendation to Council
24 February 2021	Council	Approve 21/22 budget

8. REPORT APPENDICES

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

- Appendix A: Revenue Budget Proposals 2021/22 – 2025/26
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9. BACKGROUND PAPERS

There are no background papers.

Revenue Budget Proposals 2021/22 - 2025/26

Service	Proposal	21/22	22/23	23/24	24/25	25/26	Total
		£000	£000	£000	£000	£000	£000
Planning Policy	Offset staff costs with CIL	-15					-15
Planning	Adoption of commercial business	-15					-15
Parking Services	Increase income budget	-30					-30
Total Existing Savings		-60	0	0	0	0	-60

Service	Proposal	21/22	22/23	23/24	24/25	25/26	Total
		£000	£000	£000	£000	£000	£000
Parking Services	Increase income budget - reprofiled	30	-30				0
Parking Services	Loss of parking bays in King Street	26					26
Planning	Better use of technology		-75				-75
Planning	Service improvements			-75			-75
Total Amendments and New Savings		56	-105	-75	0	0	-124

OVERALL CHANGE IN BUDGET (£000)	-4	-105	-75	0	0	-184
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Negative figures shown above represent a reduction in expenditure budgets, or increased income targets. Positive figures indicate increased expenditure, or a reduction in the income budget.

Agenda Item 15

Strategic Planning and Infrastructure Committee

12 January 2021

Local Plan Review – Duty to Co-operate

Final Decision-Maker	Strategic Planning and Infrastructure Committee
Lead Head of Service	Rob Jarman
Lead Officer and Report Author	Philip Coyne Helen Garnett
Classification	Public
Wards affected	All

Executive Summary

This report builds on the report that was brought before this committee in June 2019. It summarises the operational processes currently in place in respect to duty to co-operate (DtC), the work that has been undertaken to date, and a future work programme in order that Maidstone can demonstrate constructive, active and ongoing engagement on strategic matters, ahead of submission. It then outlines what steps are proposed to ensure that, in reviewing the Local Plan, Maidstone Borough Council complies with the relevant national requirements and demonstrates a robust and logical approach to engagement with adjacent local authorities and other key stakeholders.

Purpose of Report

To build on the report brought before committee in June 2019 by summarising the steps the Council has carried out to ensure that duty to co-operate to date has been undertaken to ensure the legal compliance of the plan. It then sets out the preferred approach for future duty to co-operate activity to seek agreement on this approach.

This report makes the following recommendations to this Committee:

1. That members agree the framework for future duty to co-operate, the sign-off procedure for future meeting minutes and the arrangements for statements of common ground.

Timetable

Meeting	Date
Committee Strategic Planning and infrastructure Committee	12 January 2021

Local Plan Review – Duty to Co-operate

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> • Embracing Growth and Enabling Infrastructure • Safe, Clean and Green • Homes and Communities • A Thriving Place <p>Accepting the recommendations will materially improve the Council’s ability to achieve each of the corporate priorities.</p>	Rob Jarman
Cross Cutting Objectives	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> • Heritage is Respected • Health Inequalities are Addressed and Reduced • Deprivation and Social Mobility is Improved • Biodiversity and Environmental Sustainability is respected <p>The report recommendations support the achievements of the four cross cutting objectives by ensuring that the Local Plan Review is successful at examination.</p>	Rob Jarman
Risk Management	<p>The recommendations seek to reduce the risk associated with the production requirements for the Local Plan Review.</p>	Rob Jarman
Financial	<p>Funding has been set aside for the Local Plan Review in the Medium Term Financial Strategy. This includes funding for the specific work described in this report.</p>	Section 151 Officer & Finance Team
Staffing	<p>We will deliver the recommendations with our current staffing.</p>	Rob Jarman
Legal	<p>Accepting the recommendations will fulfil the Council’s duties under Planning and Compulsory Purchase Act 2004 and the Town and Country</p>	Cheryl Parks Mid Kent Legal Services

	<p>Planning (Local Planning) (England) Regulations (2012).</p> <p>Acting on the recommendations is within the Council's powers as set out in the Planning and Compulsory Purchase Act 2004.</p> <p>Officers from Mid Kent Legal Services have been involved in discussions that have underpinned the formulation of the framework for DtC proposed in this report.</p>	(Planning)
Privacy and Data Protection	<p>Accepting the recommendations will increase the volume of data held by the Council. We will hold that data in line with our retention schedules.</p>	Policy and Information Team
Equalities	<p>The recommendations do not propose a change in service therefore will not require an equalities impact assessment</p>	[Policy & Information Manager]
Public Health	<p>No implications identified</p>	[Public Health Officer]
Crime and Disorder	<p>The recommendation will not have a negative impact on Crime and Disorder.</p>	Rob Jarman
Procurement	<p>N/A</p>	[Rob Jarman & Section 151 Officer]

2. INTRODUCTION AND BACKGROUND

- 2.1 The requirement to co-operate with other organisations is set out within national policy and legislative frameworks. Paragraphs 22 to 27 of the National Planning Policy Framework (NPPF) requires that in formulating plans, Local Planning Authorities co-operate with each other and other prescribed bodies on strategic and cross-boundary matters. Section 33a of the Planning and Compulsory Purchase Act 2004 requires that local planning authorities must co-operate with a number of prescribed bodies as set out in regulation 4 of the Town and Country Planning (Local Planning) (England) Regulations (2012).
- 2.2 Whilst the duty to co-operate has been an obligation since the introduction of the NPPF in 2012, the 2018 NPPF updated the requirement, raising the bar to require effective and on-going joint working between strategic policy making authorities and relevant bodies. This higher bar has been carried forward to the 2019 NPPF.
- 2.3 These requirements have been tested nationally at Local Plan examinations, and a number of authorities have been demonstrated to fall short of the requirements set out in the NPPF. Notably, Sevenoaks in Kent where a recent High Court judgment determined that the Planning Inspector was right in concluding that the Council had not met its duty to

co-operate in plan making. This was largely owing to the lateness in approaching neighbouring authorities on key cross boundary issues, in that case unmet housing need. This follows similar examination outcomes at Wealden and St. Albans which concluded that duty to co-operate requirements had not been met. Most recently, Inspectors have written to Tonbridge and Malling Borough Council stating “in light of our serious concerns regarding the DtC, as set out above, we consider it a very strong likelihood that there will be no other option other than to invite you to withdraw the plan from examination, or, failing that, for us to issue a final report recommending that the plan is not adopted because of a failure to meet the DtC in accordance with our duties under Sections 20 (5) (c) and (7) of the Act.”

- 2.4 Because these tightened DtC requirements arose after the examination of Maidstone’s current Local Plan, it is important to consider how these impact on our procedures so as to ensure that Maidstone has robust arrangements in place well in advance of the future examination of the Local Plan Review. This will ensure that the Council is able to demonstrate constructive, active and ongoing engagement on strategic matters, ahead of submission. Whilst officers have already responded to this through constructive and active engagement, in light of these recent examinations, it is imperative that the Council also gives consideration to the processes that will shape Maidstone’s duty to co-operate activities going forward to submission and beyond. Additionally, it is appropriate to review procedures in light of the publication of the emerging preferred spatial strategy, as future Duty to Cooperate should respond to this accordingly.

Duty to Co-operate

- 2.5 Duty to co-operate is the process by which a plan making authority engages with relevant bodies on strategic matters. It is an ongoing and iterative process through which the Local Planning Authorities and other prescribed bodies seek agreement with each other on strategic issues. As successive Inspectors have determined, the process constitutes more than mere consultation on the plan, as authorities and bodies must undertake meaningful and collaborative engagement and seek to address any issues in a joint way to find strategic solutions.
- 2.6 The Town and Country Planning (Local Planning (England)) regulations 2017 (As amended) sets out a list of ‘prescribed bodies’ with which a strategic planning authority has a duty to co-operate. These are:
- the Environment Agency;
 - Historic England
 - Natural England;
 - the Mayor of London;
 - the Civil Aviation Authority;
 - the Homes and Communities Agency;
 - primary care trusts
 - the Office of Rail Regulation;
 - Transport for London;
 - integrated Transport Authorities;
 - highway authorities;

- the Marine Management Organisation;
 - local enterprise partnerships.
- 2.7 Whilst the duty is not 'a duty to agree' nor a duty to reach a particular policy outcome (but rather to co-operate), Strategic Planning Authorities should make every effort to reach agreement through constructive, active and ongoing engagement.
- 2.8 To demonstrate effective co-operation a Local Planning Authority must ensure that:
- It has done what it reasonably could to maximise effectiveness of the plan;
 - That it has genuinely tried to resolve issues through collaboration;
 - That it has been meaningful and taken place before decisions had been made;
 - Robust evidence, to support the claim that duty to co-operate has been active and ongoing, must be provided.

Strategic Issues covered by Duty to Co-operate

- 2.9 Section 33a of the Planning and Compulsory Purchase Act 2004 identifies strategic matters as:
- (a) sustainable development or use of land that has or would have a significant impact on at least two planning areas, including (in particular) sustainable development or; use of land for or in connection with infrastructure that is strategic and has or would have a significant impact on at least two planning areas, and*
- (b) sustainable development or use of land in a two-tier area if the development or use—*
- (i) is a county matter, or*
- (ii) has or would have a significant impact on a county matter.*
- 2.10 Paragraph 20 of the NPPF defines what constitutes a strategic policy. These are:
- a) housing (including affordable housing), employment, retail, leisure and other commercial development;
 - b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
 - c) community facilities (such as health, education and cultural infrastructure); and
 - d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.
- 2.11 In applying these broad themes set out in paragraph 20 of the NPPF, the Council has defined the following list of issues and outlined how they relate to Maidstone Borough:

Strategic Issue for Maidstone borough	Geographical area relevant for the 'Duty to Co-operate'	Possible Statement of Common Ground signatories
Meeting the borough's local housing need and helping to meet needs across the relevant Housing Market Area/s	Housing Market Area/s; neighboring authority areas	Tonbridge & Malling BC; Medway; Swale BC; Ashford BC; Tunbridge Wells BC.
Ensuring there is a sufficient supply of affordable housing		
Ensuring sufficient land and floorspace is provided to support economic growth in the borough and to contribute to the needs of the wider economic market area	Functional Economic Market Area	Tonbridge & Malling BC; Medway. South East Local Enterprise Partnership
Ensuring that Maidstone has a vital and vibrant town centre which maintains its role in the sub-region and that a network of local centres continue to serve local retail and service needs.	Retail Catchment Area	[extent of RCA to be confirmed through future evidence]
Ensuring that the borough's environmental assets such as the Area of Outstanding Natural Beauty, Landscapes of Local Value, the countryside and Green Belt are suitably protected	Green Belt	Tonbridge & Malling BC.
	Kent Downs AONB; setting of High Weald AONB	Tonbridge & Malling BC; Medway; Swale BC; Ashford BC; Tunbridge Wells BC.
	Landscapes of Local Value	Tonbridge & Malling BC; Ashford BC; Tunbridge Wells BC.
Ensuring that the borough's biodiversity and wildlife habitats are suitably protected and enhanced	North Downs Woodlands Special Area of Conservation and, potentially, European designated sites in other boroughs	[extent of impacts to be identified through the Habitat Regulations Assessment]. Kent Nature Partnership
	SSSIs, Local Wildlife Sites, ancient woodland which straddle the borough's boundaries.	Natural England Tonbridge & Malling BC; Ashford BC; Medway; Swale BC; Tunbridge Wells BC.
Ensuring that the borough's historic assets are conserved and managed	Maidstone borough	Historic England
Contributing to an overall improvement in air quality, in particular in the Maidstone Air Quality Management Area.	Maidstone AQMA; AQMA in the Malling area of Tonbridge & Malling.	Kent County Council (as highway authority); Tonbridge & Malling BC.
Managing the risk of flooding from all sources.	Catchments of the River Medway, Stour, Beult & Teise.	Environment Agency; Tonbridge & Malling BC; Medway; Ashford BC; Tunbridge Wells BC

Managing nutrient neutrality for the new development in the Sour Catchment in relation to Stodmarsh Designated Sites	Catchment of the River Stour	Environment Agency, Natural England, Ashford BC
Taking a proactive approach to mitigating and adapting to climate change	Maidstone borough. [Significant overlap with air quality and transport matters]	[see air quality and transport matters]
Ensuring sufficient transport infrastructure is provided to serve the new development that is planned.	Strategic highway network, local highway network, and public rights of way within the borough and, potentially, key junctions falling in neighbouring authority areas. Rail infrastructure within the borough.	Kent County Council; Highways England; Network Rail; Tonbridge & Malling BC; Ashford BC; Medway; Swale BC; Tunbridge Wells BC.
Ensuring sufficient utilities infrastructure is provided to serve the new development that is planned.	Maidstone borough (subject to the selected spatial strategy)	Utility providers
Ensuring that sufficient provision is made for health and education to serve the new development that is planned.	Maidstone borough (subject to the selected spatial strategy)	Kent County Council; West Kent Clinical Commissioning Group; Maidstone & Tunbridge Wells NHS Trust.
Ensuring a sufficiency of parks and open spaces	Maidstone borough	-
Ensuring that sufficient provision is made for community infrastructure	Maidstone borough	-

The Statement of Common Ground

2.12 The National Planning Policy Framework (NPPF) requires that plan-making authorities should produce and maintain, one or more statement(s) of common ground. A statement of common ground is a document which details key information, highlighting agreement and disagreement on cross boundary strategic issues with neighbouring authorities and other relevant bodies. It documents where effective co-operation is and is not happening, highlighting the cross-boundary matters being addressed through Duty to Co-operate, and the steps that are being taken by signatories to overcome any disagreements.

2.13 Statements of Common Ground can consist of one document signed by multiple signatories or, where necessary, multiple statements can be used to address issues surrounding specific topics or bodies.

Duty to Co-operate activities to date

2.14 Maidstone Borough Council has undertaken proportionate, active engagement with neighbouring authorities, infrastructure providers and prescribed bodies since the inception of the Local Plan Review in 2018. Additional discussions have been held at sub-regional level through the Kent Planning Policy Forum.

- 2.15 A list of the discussions that have taken place to date is provided in Appendix A. It should be noted that until recently these meetings have been conducted prior to the publication of the Regulation 18 Preferred Approaches consultation document which outlines the spatial approach detailing specific sites and areas for growth. As we are now in a position to hold discussions at a more detailed level it is right that Duty to co-operate activity adapts to this and progresses to a more intensive phase.
- 2.16 Statements of Common Ground have been drafted to aide as a formal record of those strategic matters for use from now on. These will record where there is agreement and disagreement. These will be updated to respond to formal responses to the Regulation 18 Preferred Approaches consultation as well as outcomes from subsequent meetings with relevant organisations.
- 2.17 Active engagement with prescribed bodies has also taken place where strategic matters related to an organisation's operational interest. For example, discussions with infrastructure providers have informed the strategic direction of the plan and shaped the decision-making process.
- 2.18 Since November, officers have been involved in more active engagement with prescribed bodies along with select additional stakeholders on pertinent issues surrounding the plan, such as nutrient neutrality in the river Stour, highways, utilities and other infrastructure. Additionally, pre-consultation engagement has been actively pursued all relevant organisations. In this respect, group presentations outlining the key policy changes and allocations have taken place, and individual organisation meetings are ongoing. These individual meetings allowed prescribed bodies to raise questions and bring forward any points of clarification in advance of their formal consultation response to the plan.

A proportionate approach to DtC

- 2.19 Now that the Council has progressed its plan to Preferred Approaches stage with a preferred spatial strategy, along with preferred area contributions and site allocations identified, as well as preferred strategic policies provided , it is likely that more defined issues will arise and discussions will progress to a more detailed and in-depth stage. It is therefore considered that the Council formalises the duty to co-operate process at this point in time, both in terms of internal procedures and formalising arrangements with other authorities.
- 2.20 Because of the range of organisations and the diverse nature of the issues that may arise from duty to co-operate, it is expected that engagement levels will vary by organisation. The degree of engagement between Maidstone Borough Council and neighbouring boroughs would, for example, be high. This would especially be the case where strategic matters fall within close spatial proximity or raised more significant cross border issues. Additionally, Kent County Council as highways authority is likely to require in depth and significant engagement on a range of highway related matters.

- 2.21 Engagement will also take place at the appropriate level within each body. This will mean that certain strategic matters are addressed by operational officers, while others are also addressed by senior officers and Members.
- 2.22 Other prescribed bodies may also be concerned with significant but specific matters of a strategic importance, such as the role that Southern Water, the Environment Agency and Natural England have in ensuring and delivering nutrient neutrality in the river Stour. It is expected that in depth and ongoing discussions will continue with these bodies along with affected neighbouring authorities in order to find solutions to this strategic matter, and that these discussions may take place at a more senior level.
- 2.23 Other prescribed bodies, whilst engaged actively in the plan process, will have a lesser degree of engagement on account of their remit and regulatory duties. For example, for some infrastructure providers the ability to meet the needs of development are less complex and/or they are bound by a duty to meet infrastructure demand arising from new development.
- 2.24 The programme of duty to co-operate activity will reflect these differences in complexity through the adoption a tailored approach based on the degree of engagement that is required and the nature of the strategic issues to be discussed. This approach is set out in the sections that follow.

Future DtC procedures

Neighbouring authorities

- 2.25 Planned DtC activity with neighbouring authorities will follow a tiered approach in order that strategic matters can be considered in further detail and issues considered escalated where required. The approach is as follows:

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- Level 1: Officer level to discuss strategic matters in more detail and consider issues.
 - Level 2: More complex issues and matters of agreement might be discussed at senior officer level. This may involve directors and/or chief executive.
 - Level 3: Any unresolved issues and key matters of agreement will be escalated to meetings involving appropriate elected Members.

- 2.26 Once key matters of agreement or disagreement are identified, these will be set out in updated statements of common ground – these statements of common ground will effectively dictate the agenda’s for these meetings.

Other prescribed bodies

- 2.27 Meetings are currently taking place at officer level and for the majority of organisations it is expected that they will continue to be undertaken at this level to their conclusion. Where there may be a particularly complex set of issues to deal with in relation to prescribed bodies, there may be a need for meetings to be escalated to senior officer level.

- 2.28 Where particular issues arise that need agreement or where disagreement remains, then Maidstone will enter into a statement of common ground with that organisation.

Recording and reporting future meetings

- 2.29 To provide robust evidence to demonstrate that duty to co-operate has been undertaken effectively there is a need to ensure that a proper record is kept of all engagement.
- 2.30 Meeting agendas will be set by the contents of the draft statements of common ground which have been informed by past discussions. The Head of Planning and Development has a broad range of delegated powers to sign off on the process and outcomes of duty to co-operate meetings and it is proposed that the current arrangements are retained for officer level meetings.
- 2.31 The potential formal meetings involving Council Members are a new arrangement for Maidstone, and accordingly consideration needs to be given to the way that meeting minutes are agreed upon and recorded. Meetings at Level 3 (member level) will be undertaken with an officer in attendance to minute these meeting, and these will be agreed by the officer and Member in attendance. This report recommends that Members agree the procedures for Level 3 meeting minute sign-off, which should be undertaken by the Member/s that were in attendance at the meeting and in conjunction with the Head of Planning and Development.
- 2.32 A summary update on the duty to co-operate will be reported to SPI committee meetings as part of the Local Plan Review Update agenda item, with minutes being disclosed on Part 2 (yellow) papers and taken in private because of the possible disclosure of exempt information.

Statements of Common Ground

- 2.33 As discussed earlier in this report, draft statements of common ground have been prepared in respect of neighbouring authorities. These will be updated as discussions progress, with the aim of bringing the latest agreed statement of common ground before the SPI committee with the Regulation 19 version of the Local Plan Review before sign-off by the Head of Planning and Development.
- 2.34 Duty to cooperate will continue throughout the Local Plan review process, and it should be noted that in some instances matters to be agreed on may not be resolved until closer to the submission and examination of the plan. Therefore provision needs to be made to accommodate any last-minute changes. For this reason, it is considered that, where matters remain to be resolved following this SPI committee, or where late matters arise, the Head of Planning and Development may sign off any changes under delegated powers and in consultation with the elected member whom had been in attendance at level 3 meetings with that council or body. Any significant changes to the statements of common ground will be reported to the SPI committee as part of the Local Plan Review Update.

3. AVAILABLE OPTIONS

- 3.1 The Strategic Planning and Infrastructure Committee are asked to agree the framework for future duty to co-operate, the sign-off procedure for future meeting minutes and the arrangements for statements of common ground, as set out in this report.
- 3.2 Alternatively, Members may choose not to accept the proposed arrangements. This will mean officers will continue with the duty to co-operate process in order to meet national requirements and will do so using the powers set out in Maidstone Borough Council's constitution.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 That members agree the framework for future duty to co-operate, the sign-off procedure for future meeting minutes and the arrangements for statements of common ground, as set out in this report.

5. RISK

- 5.1 The risk associated with these proposals, including the risks should the Council not act as recommended, have been considered in line with the Council's Risk management Framework.
- 5.2 The Planning Inspector appointed to examine the Local Plan review will consider whether a council has complied with the duty to co-operate as set out in the NPPF and relevant legislation. Should the Inspector consider that the Council has not met this duty then the examination will not proceed to hearings. This will delay the review of the Local Plan.
- 5.3 If agreement is secured on all recommendations, then we are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.

6. REPORT APPENDICES

- 6.1 The following documents are to be published with this report and form part of the report:
 - Appendix 1: Duty to Co-operate activities to date (Neighbouring Authorities).
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Appendix 1 – Duty to co-operate with neighbouring authorities and Kent County Council

Date of Event	Form of Communication	LPA / Body
07-Sep-17	Meeting	Kent County Council
30-Nov-17	Meeting	Kent County Council (and WSP)
18-Jan-18	Meeting	Tonbridge and Malling BC
09-Mar-18	Meeting	Tonbridge and Malling BC
13-Mar-18	Meeting	Kent districts & boroughs
27-Mar-18	Meeting	Kent County Council
28-Mar-18	Meeting	Kent County Council
04-May-18	Meeting	Medway
18/05/2018	Meeting	Swale BC
23/05/2018	Meeting	Kent County Council
22/06/2018	Meeting	Tunbridge Wells BC
03/07/2018	Meeting	Kent County Council
03/07/2018	Meeting	Kent County Council
26/07/2018	Meeting	Kent County Council
25/09/2018	Meeting	Kent County Council Highways
18/10/2018	meeting	Tonbridge and Malling BC
05/11/2018	Meeting	Kent County Council
05/11/2018	Meeting	Kent County Council
12/02/2019	Email	Tonbridge and Malling BC & Ashford BC
23/01/2019	Email	Ashford; Medway; Tonbridge and Malling BC; Tunbridge Wells BC; Swale BC
09/05/2019	Email	Kent County Council (Minerals & Waste)
21/05/2019	Meeting	Kent County Council
18/6/2019 (+ 4/3/19)	Email	Kent County Council (Minerals & Waste)
02/07/2019	Meeting	Tunbridge Wells BC
08/07/2019	Email	Tonbridge and Malling BC; Ashford BC; Medway; Swale BC; Tunbridge Wells BC
18/07/2019	Telecon	Swale BC
25/07/2019	Email	Ashford BC; Medway; Tonbridge and Malling BC; Tunbridge Wells BC; Swale BC
22/07/2019	Telecon	Tonbridge and Malling BC
25/07/2019	Meeting	Ashford BC
30/07/2019	Meeting	Medway Council
19/08/2019	Meeting	Swale BC
20/09/2019	Telecon	Tunbridge Wells BC
09/10/2019	Meeting	Kent County Council

27/11/2019	Meeting	Ashford BC
08/01/2020	Meeting	Kent County Council
08/06/2020	Telecon	Swale BC
11/06/2020	Telecon	Ashford BC
18/06/2020	Telecon	Medway Council
15/07/2020	Telecon	Kent County Council
29/07/2020	Telecon	Kent Authorities
29/07/2020	Telecon	Tunbridge Wells BC
04/09/2020	Telecon	Medway Council
09/10/2020	Telecon	Swale BC
21/10/2020	Telecon	Tonbridge and Malling BC
02/11/2020	Telecon	Medway Council
05/11/2020	Telecon	Kent County Council
24/11/2020	Telecon	Tonbridge and Malling BC
24/11/20	Telecon	Swale BC
26/11/2020	Telecon	Ashford BC
11/12/2020	Telecon	Tunbridge Wells BC

STRATEGIC PLANNING AND INFRASTRUCTURE COMMITTEE

12 JANUARY 2021

Local Plan Review Update

Final Decision-Maker	Strategic Planning and Infrastructure Committee
Lead Head of Service	<i>Rob Jarman (Head of Planning and Development)</i>
Lead Officer and Report Author	Mark Egerton (Strategic Planning Manager)
Classification	Public
Wards affected	<i>All</i>

Executive Summary

At the 10th March 2020 meeting of this committee, Members resolved that officers provide a short, written update at each meeting of this committee, concerning any slippage and/or progress on delivering the Local Plan Review on the timetable agreed. This report provides the requested update.

Purpose of Report

Noting

This report makes the following recommendations to this Committee:

1. That the report be noted.

Timetable

Meeting	Date
Strategic Planning and Infrastructure Committee	12 January 2021

Local Plan Review Update

1. INTRODUCTION AND BACKGROUND

- 1.1 At the 10th March 2020 meeting of the Strategic Planning and Infrastructure (SPI) Committee, Members resolved that officers should provide a short-written update at each meeting of the committee, concerning any slippage and/or progress on delivering the plan on the timescale agreed. This report provides the requested update.
- 1.2 At its meeting on 9 November 2020, the Committee considered the Local Plan Review (Regulation 18) Preferred Approaches document and this, together with a sustainability appraisal, was approved for consultation. Consultation and pre-consultation arrangements were also agreed, so that public consultation on the plan would be undertaken between 1 and 22 December 2020. The Committee authorised the Head of Planning and Development, in conjunction with the Chair and Vice-Chair of the Committee, to make subsequent minor amendments and factual alterations to the consultation document.
- 1.3 The Council undertook a comprehensive pre-consultation programme, which included briefings with key stakeholders (infrastructure providers & regulatory bodies), Parish Councils, relevant Kent County Council Members with wards in Maidstone Borough, the Kent Association of Local Councils, and a private developers' forum, as well as meetings with officers from Kent County Council and neighbouring local planning authorities.
- 1.4 Following the period of pre-consultation engagement, the consultation commenced as planned on 1st December 2020. During the consultation, officers monitored the responses that were submitted and commenced processing. Towards the end of the consultation, it was apparent that the number of responses was very significant, with well over 2,000 representations having been received.
- 1.5 The Council had also received a small number of requests to submit late representations, including due to the direct impacts of Covid 19, where there has been a very significant increase in infection rates both nationally and locally. As a result of the above circumstances, a statement was published, and a press release issued on 23rd December alerting the public to the fact that representations received up to and including Friday 8th January would still be processed and analysed as a response to the preferred approaches consultation.
- 1.6 Given the very significant level of response, and in order to ensure proper consideration of representations received, officers will now be aiming to

provide a report on the consultation analysis to this committee in March 2021.

- 1.7 A separate report on the duty to co-operate, setting out the framework for taking forward engagement with key statutory bodies and following on from the pre-consultation engagement, is also part of the agenda for this committee meeting.
- 1.8 In a further significant development, on the 16th December the government issued its 'new', interim standard methodology for calculating housing need. This followed lobbying from Maidstone Borough Council, as well as other authorities, regarding the previously proposed increase in the need figures. The revisions reverted to a need figure that was based on the original 2017 algorithm for Maidstone and many other rural authorities in England, with increased need being focused on the country's 20 larger urban areas. For Maidstone this has meant a reversion to a need figure of approximately 1,200 units per annum, down from the figure of 1,569 units per annum set out in the government's recent public consultation.
- 1.9 However, as part of the statement announcing the newly published standard methodology, the Secretary of State also stated the government's intention to publish its response to the planning White Paper consultation in spring. Fundamentally, this will set out the decisions on the proposed way forward, including to prepare for legislation in the autumn.
- 1.10 The approach to local housing need was one of the areas that was subject to the White Paper consultation and the currently published housing standard methodology is effectively an interim arrangement. There is still a possibility that a new approach to calculating housing need could therefore be published by the government in spring.
- 1.11 It is unlikely that any new approach to calculating housing need would require primary legislation to be published for it to take effect and so could be in place fairly quickly after any announcement. In summary, there is a possibility that a new approach to housing need could be published by the government in spring and this could decrease or increase the need for Maidstone Borough. Officers are therefore continuing to progress the Local Plan Review in accordance with the published timetable and will report back further announcements from the government to this committee in due course.
- 1.12 Finally, it should be noted that the need figure changes at least annually given that Office for National Statistics affordability ratio (house price – earnings) is recalculated on an annual basis. Population and household growth figures are also fundamental components of the calculation and these are updated every two years. This means that further changes to the need figure before adoption of the Local Plan Review are expected, even if

the current method of calculation remains in place. We will therefore look to publish the Regulation 19 draft Local Plan Review document using the latest available figure at the time.

2 RISK

- 2.1 This report is presented for information only has no direct risk management implications. Risks associated with the LPR are dealt with through the usual operational framework and have been previously reported.
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3. REPORT APPENDICES

- 3.1 None
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4. BACKGROUND PAPERS

Background paper 1: Statement from Secretary of State for the Ministry of Housing, Communities and Local Government dated 16th December 2020 – <https://questions-statements.parliament.uk/written-statements/detail/2020-12-16/hcws660>