STRATEGIC PLANNING SUSTAINABILITY & TRANSPORTATION COMMITTEE

10th July 2018

Maidstone Local Plan Review Scoping and Local Development Scheme

Final Decision-Maker	Strategic Planning, Sustainability & Transportation Committee
Lead Head of Service/Lead Director	Rob Jarman, Head of Planning & Development
Lead Officer and Report Author	Sarah Lee, Principal Planning Officer (Strategic Planning) & Anna Houghton, Planning Officer (Strategic Planning)
Classification	Public
Wards affected	All

Executive Summary

This report signals the start of the process to review of the adopted Maidstone Borough Local Plan. It sets out key factors which will influence the scope of the Local Plan Review and provides an introduction to the types of evidence which are expected to be needed to support future decisions on the content of the plan. The report also provides an overarching timetable for the preparation of the Local Plan Review in the form of a Local Development Scheme (LDS). This proposes an adoption date of April 2022 and the reasoning for this is set out in the report. The current Local Plan includes a commitment to prepare a specific Air Quality Development Plan Document (Local Plan). This report sets out reasons why it would be more beneficial to incorporate this document into the Local Plan Review rather than progressing it separately.

This report makes the following recommendations to this Committee:

1. That Strategic Planning, Sustainability and Transportation Committee resolve to recommend to Council that the Local Development Scheme (2018-22) in Appendix 1 **BE ADOPTED** to come into effect on the date of adoption.
2. That the factors influencing the scope of the Local Plan Review in paragraphs 1.7 to 1.12 of the report **BE NOTED**.
3. That it **BE AGREED** that the proposed Air Quality Development Plan Document be incorporated into the Local Plan Review and that the separate Air Quality Development Plan Document not be progressed

Timetable

Meeting	***Date***
Strategic Planning, Sustainability & Transportation Committee	10th July 2018
Council (for the Local Development Scheme)	18th July 2018

Maidstone Local Plan Review Scoping and Local Development Scheme

1. INTRODUCTION AND BACKGROUND

Introduction

1.1 The Maidstone Borough Local Plan (MBLP), which was adopted in October 2017, covers the period 2011-31. The MBLP is a comprehensive Local Plan; it sets out the spatial distribution for new development in the borough, it contains strategic policies for overarching matters such as transportation, affordable housing and economic development, it allocates specific sites for new growth as well as identifying three broad locations for future housing and it includes a suite of 'development management' policies on topic areas such as design, heritage, nature conservation and town centre uses amongst many others.

1.2 The Local Plan Inspector required the local plan to contain a commitment to complete a review of the plan by April 2021; the adopted MBLP affirms this intention in Policy LPR1. In making his decision, the Inspector drew upon the National Planning Practice Guidance (NPPG) which advises that most local plans are likely to require reviewing (in whole or in part) at least every 5 years. He also identified specific matters - in particular in relation to housing delivery towards the end of the plan period - which he judged should be considered as part of this review and these are the matters listed in Policy LPR1.

1.3 Local Plans must accord with the Government's parameters as sets out in the National Planning Policy Framework (NPPF). The Government published a draft revised version of the NPPF for public consultation in March this year. Whilst the finalised document is awaited – the Government has indicated that it hopes to issue the fully revised version during July - the draft document provides a useful steer on the Government's 'direction of travel'. This report makes reference to key aspects of the draft NPPF which are likely to be particularly pertinent to the Local Plan Review (LPR).

1.4 As well as the draft NPPF, there have also been amendments to the Local Plan Regulations which post-date the Inspector's consideration. In particular it is now a regulatory requirement that a review of the local plan should be completed every 5 years[1]. To comply with this up dated requirement, the LPR would need to be adopted by October 2022 at the latest. Accordingly, the timetable has been prepared by working backwards from an April 2022 adoption date (incorporating up to 6 months contingency). This timetable, which is in the form of a Local Development Scheme (LDS), is explained in more detail in a later section of this report.

[1] The Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2017

1.5 As well as a providing a timetable, a key purpose of this report is to signal the commencement of the LPR process. It also introduces some of the key factors which will influence the scope of the LPR.

1.6 The MBLP is an up to date, comprehensive Local Plan which has been independently judged to be in accordance with the (current) NPPF. It has full weight in planning application decision making. It helps give all those with an interest in development in the borough, such as residents, landowners and businesses, a high degree of certainty about future planning decisions. The allocation of specific housing sites and the subsequent granting of consents have enabled the council to demonstrate a 5 year housing land supply and it can also meet the requirements of the Housing Delivery Test which, in both cases, enables the council to maintain its control over development decisions. The best way for this level of control to be sustained will be for the council to complete its LPR in a timely way, planning positively for the growth required with complementary policies to provide supporting physical, social and environmental infrastructure needs and to protect and sustain the borough's environmental assets.

Factors influencing the scope of the Local Plan Review

1.7 The LPR is inherently a forward-looking process. Its prime purpose is to revise those parts of the MBLP which require updating and to address the additional development and policy requirements associated with a decision to extend the plan period from the current end date of 2031.

1.8 Without prejudice to what future assessment may reveal, it is likely that some aspects of the MBLP will continue to be 'sound' and will not need to be incorporated within the LPR (and therefore not be subject to another Examination) with the outcome that they will continue to be part of the borough's adopted Development Plan in an unaltered form. Some of the MBLP's development management policies (prefix 'DM') could fall into this category. Key to this determination will be whether individual policies continue to be in compliance with the revised NPPF and whether there are any other local changes in circumstances which justify an alteration to the adopted policy. The MBLP contains a detailed suite of monitoring indicators which measure the progress and effectiveness of aspects of the MBLP and these are reported annually in the Authority Monitoring Report. These monitoring results will help inform decisions about which aspects of the MBLP need to be incorporated in the review.

1.9 The Local Plan Inspector provided an initial list of the items which he considered that the review of the plan may need to address which are listed in Policy LPR1. Taking these matters in turn;

i. ***A review of housing needs***: the Government's standard methodology for calculating an authority's minimum housing need figure will be confirmed when the revised NPPF is published. This is expected to apply a specific formula calculation to the Government's latest published household projections[2] and affordability data[3]. The

[2] Updated every 2 years
[3] Updated annually

draft methodology included a cap of 40% of an authority's current OAN which, if confirmed, indicates that the minimum housing need figure for Maidstone should not exceed 1,236 dwellings per annum[4] (excluding any 'duty to co-operate' approaches from elsewhere).

ii. ***Allocation of land at Invicta Barracks and, if necessary, Lenham***: The Defence Infrastructure Organisation has commissioned consultants to prepare evidential studies to inform the future masterplanning of the Invicta Barracks site. The masterplan will help establish overall site capacity, infrastructure requirements and a development strategy for the site which in turn will help inform a future allocation policy for the site in the LPR. Progress is on track for this site to deliver 500 new homes in the 2027-31 period and a further 800 post 2031. The Lenham Neighbourhood Plan which will allocate specific sites for 1,000 new homes is also moving forward positively. The neighbourhood planning group is being advised by a planning consultant and is taking forward evidential work with a view to produce a draft version of the plan for consultation before the end of the year. Officers are providing support to the group, including by helping to secure funding for transport assessment work and Strategic Environmental Assessment. Developers and infrastructure providers are also engaging positively in the neighbourhood plan process. The delivery of homes in the Lenham Broad Location is projected from 2021 onwards.

iii. ***Identification of additional housing land to maintain supply to the end of the current plan period***: annual monitoring of the housing land supply shows that the council is in a good position. At a 1st April 2018 base date, the council can demonstrate 6.5 years housing land supply and the forthcoming Housing Delivery Test is met without the council being required to take any remediating action, showing that planning consents are translating into physical homes on the ground. Maintaining current target levels of supply towards the latter end of the plan period will be contingent on the remaining allocated sites continuing to come forward, timely delivery in the town centre, Invicta Barracks and Lenham broad locations and sustained rates of consents and completions on windfall sites. Delay or a shortfall in delivery from any of these sources could generate a requirement for additional site allocations to maintain the current target level of supply up to 2031. Further, with the advent of the standard methodology, the LPR will also need to address how the increased housing target for the remaining part of the current plan period and for the post 2031 period will be met. In these circumstances, the LPR will be focused on finding <u>additional</u> housing sites and Members should not anticipate that the housing sites in the MBLP will be substituted with alternative sites unless there is clear evidence that they are no longer deliverable, available or suitable.

iv. ***Employment land provision and needs***: an element of the LPR will be an updated understanding of the nature and scale of employment land needs in the borough and the extent to which this can be met through turnover on existing established sites and allocations in the MBLP (and possibly more widely depending on the evidence of the

[4] 883dpa X 1.4 = 1,236dpa

nature and location of demand) resulting in an understanding of the need for additional site identification as part of the LPR.

v. ***Case for the Leeds-Langley Relief road:)***

vi. ***Alternatives to such a relief road:)***

vii. ***Need for further sustainable transport measures:)***
Kent County Council has commissioned consultants to undertake a feasibility study for the Leeds-Langley Relief Road. Funding has been secured through s106s and the Maidstone Integrated Transport Programme for a package of highways improvements linked to the MBLP development already permitted and planned. KCC is responsible for the implementation of these measures and MBC continues to press for their timely delivery. For the LPR, Visum (or similar) transport modelling will be needed to understand the highways/transport implications of the emerging strategy on the strategic and local road network and thereafter to identify what mitigation measures would be required in association with that scale and pattern of development. The draft NPPF continues to advocate for sustainable transport solutions by encouraging patterns of development which limit the need for travel and provide a choice of transport modes where possible.

viii. ***Syngenta & Baltic Wharf sites***: the LPR should consider whether the policy framework for these sites needs to be adjusted as a result of any changed circumstances which may come to light.

ix. ***Plan period extension***: Whereas the current NPPF indicates that local plans should *preferably* have a 15-year time horizon, the revised NPPF would be more stringent, stating that the strategic policies in a Local Plan should look ahead a *minimum* of 15 years from adoption. This would discount maintaining the MBLP current end date (2031) as an option for the LPR; the LPR end date could be no earlier than April 2037 (assuming adoption by April 2022). Building in a degree of timetable contingency, as well as the potential benefits of taking a longer term view of the delivery of the LPR's development strategy and possible alignment with the wider Strategic Plan, could point to setting a later end date (2042+). We will also need to consider the relationship between the 2011 base date of the MBLP and what should be the start date of the aspects of the MBLP which are being reviewed; options for the LPR start date could be the adoption date of the LPR (2022), the submission date (2021) or possibly an earlier date to match the base date of the evidence which is being prepared.

1.10 The LPR will need to respond to, and help deliver, the relevant aspects of the council's Strategic Plan. Helpful to the overall progress of the LPR would be for the Strategic Plan process to generate to an overarching 'vision' for the borough. If this is secured early in the LPR preparation process, it could help frame what will inevitably be a complex document with strongly competing interests to reconcile. It is understood that the timetable is on track to get a vision in place for December's Council meeting.

1.11 The LPR will also need to reflect on the content of other relevant strategies such as the Housing Strategy and Economic Development Strategy. There are also likely to be some cross-cutting themes which will need to be factored into the LPR's approach, examples being the health and wellbeing agenda and aspirations for the 'greening' of the borough. The sustainability

appraisal could be a particularly useful tool to ensure such matters are kept to the fore.

1.12 As part of its direction to ensure collaborative working on cross-boundary issues, the current NPPF signals that local planning authorities should consider producing joint planning policies on strategic matters. The draft NPPF underlines that a 'strategic plan' can be produced individually or jointly. A consideration for the LPR will be whether it could be appropriate and feasible for this council to progress a plan jointly with a neighbour or neighbours although the most logical candidate – Tonbridge & Malling because of the strong linkages between Maidstone and the Malling area – is at a very different stage in its plan-making process. Irrespective, Statements of Common Ground will be required with neighbouring authorities and KCC to show how strategic matters are being addressed.

Evidence base

1.13 The policy choices in the LPR will need to be underpinned by evidence to demonstrate that the LPR's approach is 'justified'. An extensive suite of evidence was prepared for the MBLP. The intention now will be to focus new or updated evidence on matters which are necessary and proportionate to the production of the LPR. These include areas requiring associated input from appropriately qualified and experienced specialist consultants.

1.14 It is anticipated that the key evidence documents will include;

i. ***New growth masterplanning***: this will involve the exploration and initial testing of potential development strategy options. External consultants will be commissioned to lead this so that the council can benefit from experiences elsewhere in the country and this will also help the council to be able to demonstrate objectivity in the option identification and assessment process. It is important for the robustness of the resulting plan that a range of spatial options are explored and that realistic choices are not discounted at too early a stage with insufficient justification. The LPR needs to consider the ability to achieve the annual rate of housing delivery needed across the borough as well as the total additional number of new homes needed and the implications of different strategy options for delivery. The masterplanning process will be iterative and take place over an extended period as the LPR is progressed; the options would be successively narrowed down to eventually identify a preferred spatial approach which would be further refined (as needed) for incorporation within the LPR document at the appropriate stage.

ii. ***Strategic Land Availability Assessments/Call for Sites***: candidate development sites will need to be identified through a call for sites exercise and then assessed for their suitability for inclusion in the LPR. In addition to land for housing, it is likely that a call for sites will encompass commercial development (employment and possibly retail) and Gypsy & Traveller sites.

iii. ***Strategic transport modelling and linked strategic air quality modelling***: This is needed to understand the highways/transport implications of the emerging strategy on the strategic and local road network. It will also need to take account of the planned growth happening beyond the borough boundaries. A subsequent output

from the transport modelling will be an understanding of the air quality implications of the proposed pattern of growth, in particular on the Air Quality Management Area (AQMA), which again is likely to generate a requirement for a mitigation package to be delivered in association with development. The findings will also inform the plan's Habitat Regulation Assessment.

iv. ***Employment and retail needs and future site requirements***: the draft NPPF continues to direct that planning policies should also meet the anticipated needs of the economy over the plan period. To do this specific pieces of evidence will be required to look at forecast needs and how these could be addressed. The retail assessment work stream will need to incorporate a critical understanding of how retailing is changing and what implications this could have for the provision of sites in the borough.

v. ***Strategic Housing Market Assessment***: the standard methodology will establish the number of new houses to plan for but the nature and type of these homes will need further analysis through a Strategic Housing Market Assessment. In particular we will need to establish the need for specific categories of housing such as affordable housing, housing for the elderly and custom/self-build homes. The Affordable Housing SPD is being progressed in advance of the LPR to provide additional guidance to support the implementation of Policy SP20 – Affordable housing.

vi. ***Infrastructure Delivery Plan (IDP)***: an update of the current IDP to take account of the infrastructure items which have been been delivered, any changed circumstances since the IDP was prepared and the additional infrastructure demands arising from the LPR's development proposals. The preparation process for the IDP will need to inter-relate strongly with that for the emerging preferred spatial strategy and the strategic transport modelling findings.

vii. ***Plan-wide assessments***: such as Sustainability Appraisal and the linked Strategic Environmental Assessment, Habitat Regulations Assessment and viability assessment.

Air Quality Development Plan Document

1.15 The MBLP states that the council will prepare an Air Quality Development Plan Document (AQDPD) (Policy DM6(2)). This commitment was a Main Modification to the plan made by the Inspector. Officers wrote to the Inspector during the Examination confirming an intention to complete the AQDPD before the adoption of the LPR and the Inspector reasserted this position in his Report[5]. His report concluded that an Air Quality DPD was needed "to achieve consistency with current and emerging national policy"[6]. The Local Plan Inspector required the AQDPD commitment in the knowledge of, and therefore in addition to, the council's intention to approve the Kent & Medway Air Quality Guidance. The Maidstone version of the guidance was approved by this Committee as a material consideration for planning purposes at its November 2017 meeting.

[5] MBLP Inspector's Report paragraph 88
[6] MBLP Inspector's Report paragraph 87

1.16 The following month the Committee considered and agreed the scope of the AQDPD and instructed the Head of Planning and Development to prepare it. The agreed scope comprised;

a. Good design principles
b. Guidance on undertaking Air Quality Impact Assessment (AQIA)
c. Methodology for quantifying the mitigation required when impacts are identified
d. Information of the types of mitigation measures which could be delivered
e. Circumstances and approach to securing financial contributions
f. Plus a revised version of MBLP Policy DM6 – Air Quality to incorporate any refinements resulting from a-f above and potentially an overarching strategic policy.
g. Plus the consideration of agricultural and horticultural practices, emerging technologies and renewable energy options and accessibility to charging infrastructure (additions agreed by the Committee).

1.17 The commencement of the Local Plan Review process is a timely point to review whether progressing the AQDPD as a separate document continues to be the optimal way forward or whether there is a justification to integrate it into the LPR.

1.18 As described above, strategic air quality modelling will be commissioned as part of the evidence base for the LPR. This will be an additional output from the strategic transport modelling and will test the council's preferred development strategy (i.e. the locations and amounts of new development proposed in the borough) for its air quality implications, in particular on conditions in the Maidstone Air Quality Management Area. The findings will also inform the plan's Habitat Regulation Assessment. A second stage of the assessment would then be to identify what mitigation measures could be secured in association with the preferred strategy to address any adverse air quality impacts revealed. Where specific mitigation measures are identified as necessary, a requirement to provide these (or, if appropriate, financial contributions towards them) could then be included in specific criteria in the site-specific allocation policies in the LPR.

1.19 This represents a comprehensive approach which, importantly, enables the 'in combination' effects of sites to be assessed and addressed through the strategic LPR process. There could also be strong links with the associated review of the Infrastructure Delivery Plan which could incorporate strategic air quality mitigation projects, for example adding EV charging points in town centre locations and the variety of other measures which encourage modal shift for which financial contributions could be sought.

1.20 The AQDPD, on the other hand, would have a narrower remit as it would precede this strategic level assessment. Its role would be to act as a stepping stone between the current MBLP and the future LPR. The subject areas for the AQDPD (especially items a-e in the list above) are substantially in the territory of operational guidance rather than primary planning policy. Further, some of these matters (especially items b-e) are

covered in the Maidstone version of the Kent & Medway Air Quality Planning Guidance. The AQDPD would undoubtedly add detail to the content of the current Guidance and would also mean it could be afforded full weight in the planning process as it would become part of the council's Development Plan upon adoption.

1.21 Air quality planning policy is only part of a number of controls for improving air quality. The council's Low Emissions Strategy (December 2017) (LES) is an up to date strategy which provides a comprehensive suite of actions which describe how air quality will be improved by reducing NO_2 and also particulates and carbon emissions. The LES also stands as the Air Quality Management Plan for the borough with measures intended to ensure compliance with limit values on NO_2 in the shortest time. The strategy actions are collated under the themes of transport, planning, procurement, carbon management and public health. The explicit aims of the LES include achieving a higher standard of air quality across the borough and assisting MBC to comply with the relevant air quality legislation.

1.22 Preparation of the AQDPD is a high profile action under the 'planning' strand of the Council's Low Emissions Strategy (December 2017). Planning is major strand of the LES where it is considered that control and mitigation of development is vital in the protection of and improvement of air quality. Progress with the LES is reported to DEFRA annually. Failure to deliver the LES as a package or to make sufficient progress with the actions within it could result in criticism from DEFRA in its feedback on the annual update report.

1.23 The Local Plan Inspector's consideration noted that the national picture on air quality was going through a period of transition and that there was uncertainty about what the final version of the national air quality plan would contain. Whilst the Government has agreed to revisit the 'UK plan for the tackling roadside nitrogen dioxide concentrations' (July 2017) again following latest High Court challenge from Client Earth (February 2018), the proposals in the plan relate to the 45 named local authority areas which do not include Maidstone. Progress with the plan will be monitored but it could be expected that the specific implications for this council may be limited. The Government has also published its draft Clean Air Strategy (May 2018) for consultation. This is a high level strategy with very wide ranging measures. Of note is that the strategy signals that DEFRA will provide guidance for local authorities later in the year explaining how cumulative impacts of nitrogen deposition on natural habitats should be mitigated and assessed through the planning system. This is a matter which will be best addressed comprehensively through the LPR and in particular through the HRA. Further, the draft NPPF does not contain substantive changes to the Government's approach to planning air quality. Overall, national policy does not appear to be specifying further major changes not already anticipated by the council through its LES and the MBLP.

1.24 The AQDPD would clearly provide some benefits but, as explained, its content is likely to be more focused on matters of practice guidance which are at least in part already covered by the approved Kent and Medway document. It would contain a highly limited number of policies, or could even be a single policy DPD. The DPD could be in place up to 2 years in

advance of the LPR but would not be able to provide the comprehensive approach which the LPR will.

1.25 The benefits must also be considered in the context of the resources required to deliver the AQDPD at the same time as the intensive preparatory work for the LPR is in train. As a working estimate, the AQDPD could cost an additional £40-50k[7] and would require the dedication of considerable staff resources. In addition, without a specific staff resource to progress the DPD, there is some prospect of consequential delays to the proposed timetable for the LPR set out in this report.

1.26 It is judged that there is considerable justification to deal with air quality planning policy comprehensively as part of the LPR in preference to the AQDPD. Whilst this would represent a departure from Policy DM6 of the recently adopted MBLP, the exploratory work done since the Inspector's decision has confirmed the relatively limited scope that the DPD would have which lends particular support to the LPR approach. Delay in achieving the content of the AQDPD is outweighed by the overall benefits of the holistic approach secured by the LPR. For the avoidance of any doubt, a decision to integrate air quality into the LPR would not result in a policy vacuum; Policy DM6 – Air Quality in the MBLP will continue to have full weight in decision making whilst the LPR is being prepared. Further, policies such as SP23 – Sustainable Transport and Policy DM21 – Assessing the transport impacts of development have positive benefits for air quality by encouraging alternatives to the private car. In addition, the current Kent and Medway guidance is in place to be used in the interim.

1.27 In the meantime, Environmental Health colleagues are exploring whether other Kent authorities are interested in collaborating to revise and improve upon the Kent & Medway guidance. This is particularly driven by a desire to update it with the latest best practice in air quality assessment and approaches to mitigation quantification from other parts of the country. If there is wider interest, a revised version of the guidance could be produced in partnership with other Kent districts. This would also be an opportunity to revise the structure and content of the document to make it more user-friendly for non-air quality experts. The Committee could choose to approve a revised document to supersede the current version. A further, extended option would be to undertake public consultation on the draft guidance, ideally in partnership with the other authorities, and thereafter for the Committee approve it (as amended) as a Supplementary Planning Document which would give it increased weight in decision making. Either approach could be achieved in advance of the LPR and more efficiently than for the AQDPD.

Local Development Scheme

1.28 The Local Development Scheme (LDS) is, in essence, a delivery programme for the development plan documents (local plans) being prepared by the Council. Development plan documents are particularly significant because they will form part of the statutory Development Plan for the borough. The Council is required under Section 15 of the Planning and Compulsory

[7] Bespoke consultation stages, Examination costs, Sustainability Appraisal costs

Purchase Act 2004 (as amended) to produce and regularly update its LDS. The most recent LDS (2014-2017) covered the production of the MBLP and was adopted by the Council in December 2015.

1.29 The updated LDS (Local Development Scheme 2018-22) in Appendix 1 outlines the delivery programme for the LPR. It covers a period of five years from 2018 to 2023 to encompass the full extent of time for the preparation to adoption of the LPR. In line with the consideration earlier in this report, it does not include the preparation of a separate AQDPD; this would be encompassed within the LPR.

1.30 The April 2022 target adoption date is recommended because it reflects the statutory requirement for reviews to be completed within 5 years of the original plan's adoption. Accepting that the timetable builds in a modest contingency of 6 months[8], it is a highly challenging timetable which would see the adoption of the LPR in less than 4 years from the date of this report. To achieve this, momentum and project focus will need to be sustained throughout the LPR process.

1.31 The timetable includes two stages of 'informal' Regulation 18 consultation to be followed by a 'formal' Regulation 19 consultation prior to the submission of the LPR for Examination. The first step is to commence evidence gathering which will continue right up to the drafting of the Regulation 19 version of the LPR, and focused stakeholder engagement.

1.32 The first informal consultation stage will provide information on the key aspects of the MBLP which it is considered require review, those which don't and the reasons for these choices (i.e. the scope of the LPR). It will hopefully go on to identify potential policy approaches for how the review matters could be addressed. It is likely to refer to generally-expressed spatial options at this stage, rather than proposals which are highly location specific. Accordingly, the new growth masterplanning will need to be sufficiently progressed by this stage, although not complete, as would an overall Vision for the plan. A Call for Sites and initial site assessments are expected to be progressing in parallel with this first Regulation 18 stage.

1.33 The second informal consultation stage is a refining stage which will set out the council's preferred approach/s to the spatial strategy and key policy areas. If required a second, focused Call for Sites and linked sites assessment could be undertaken at this stage, targeted on the preferred spatial strategy.

1.34 The key LPR milestones set out in the LDS are as follows;

Evidence gathering and stakeholder engagement	July 2018-June2019
Regulation 18 – scoping/options consultation	July-August 2019
Regulation 18 – preferred approaches consultation	February-March 2020
Regulation 19 – consultation	October-December

[8] April – October 2022

	2020
Submission to the Secretary State	March 2021
Examination	July-October 2021
LPR Adoption	April 2022

1.35 The LDS forms part of the 'Local Development Framework'. The council's constitution identifies that amendment to the component parts of the local development framework is a matter for Council. The report therefore recommends that the Committee recommends that Council adopt the LDS (2018-22).

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2. AVAILABLE OPTIONS

Available Options for the Local Development Scheme

2.1 Option A1 – that the Committee recommends to Council that it approves the Local Development Scheme (2018-22) in Appendix 1.

2.2 Option A2 – that the Committee recommends to Council that it approves the Local Development Scheme (2018-22) in Appendix 1 with amendment to either a) shorten the timetable for the LPR's preparation so that the LPR is adopted before April 2022 or b) extend the timetable for the LPR's preparation so that it is adopted later than April 2022.

2.3 Option A3 - that the Committee recommends to Council that the Local Development Scheme (2018-22) should not be approved.

Available Options for the Air Quality Development Plan Document

2.4 Option B1 – that the Committee decides that the content of the proposed Air Quality Development Plan Document be incorporated into the Local Plan Review and that the separate Air Quality Development Plan Document not be progressed.

2.5 Option B2 – that the Committee decides that the proposed Air Quality Development Plan Document should continue to be progressed as a separate document in advance of the LPR. This would necessitate a change to the LDS in Appendix 1 to incorporate a timetable for the AQDPD. It is estimated that the AQDPD would take approximately 2 years to reach adoption.

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3. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

Preferred option for the LDS

3.1 The Planning and Compulsory Purchase Act 2004 (as amended through the Localism Act 2011) requires the council to prepare and maintain its LDS. A decision not to adopt a LDS (Option A3) could mean that the LPR would fail the legal tests at Examination and be unable to progress to adoption. Irrespective of this statutory requirement, the LPR is a complex process and it is imperative that it is guided by a project timetable setting out the key stages. The LDS provides this high-level programme in a publically available document.

3.2 This report has discussed that the Local Plan Inspector set a deadline of April 2021 for the adoption of the LPR. This would be an intensely challenging timeframe and would require the plan to be submitted for Examination in 20 months' time in March 2020 (Option A2a). Achievement would necessitate a highly streamlined preparation process and would be likely to need significantly boosted resources. Subsequent legislative changes point towards a later adoption date of April 2022 (October 2022 at the latest). Planning for adoption beyond this date (Option A2b) would conflict with the Government's clear intention that local planning authorities should keep their local plans up to date through regular review. Whilst still challenging, the adoption date of April 2022 in the appended version of the LDS (Option A1) would achieve compliance with the Regulations and is therefore recommended.

Preferred option for the AQDPD

3.3 The arguments in favour of incorporating the subject matter of an AQDPD into the LPR (Option B1) or to progress it as a separate DPD (Option B2) are set out in paragraphs 1.15 to 1.27 earlier in this report. For the reasons set out, the incorporation of the AQDPD into the LPR is the preferred option and is recommended to the Committee. In the event of the alternative decision, the LDS in Appendix 1 would be amended and a revised version would be brought to a subsequent meeting of the Committee.

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4. RISK

4.1 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. The scenario that has been considered is 'failure to progress the Local Plan Review to timetable and to budget'. That consideration has rated the risk to service delivery as 'RED', primarily as this would represent a failure (or delay) to the plan's contribution to council priorities in respect of 'a home for everyone', 'providing a range of employment opportunities and skills required across out borough', 'securing improvements to the transport infrastructure in our borough', 'regenerating the town centre', 'encouraging good health and wellbeing' and 'respecting the heritage and character of our borough'.

4.2 To mitigate this risk, officers will take a programme management approach to advancing the LPR. Financial risks will be managed through regular

budget monitoring. Legal risks will be manged through the judicious use of the services of the Mid Kent Legal team and, as required, the commissioning of external legal advice.

4.3 This overall approach is considered sufficient to bring the impact and likelihood of the identified risks within acceptable levels. We will continue to monitor these risks as per the Policy.

4.4 In respect of more detailed matters raised in this report, it is considered that there are adequate justification to support both a deviation from the Local Plan Inspector's consideration in respect of a) the adoption date of the Local Plan Review (see paragraphs 1.2 to 1.4) and b) the approach to the Air Quality Development Plan Document (see paragraphs 1.15 to 1.27).

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5. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

Local Plan Review

5.1 Officers will commence the initial work on the LPR, addressing the influencing factors set out in in this report. The Committee will receive reports where evidential documents require explanation or input and at the decision-making points in the process. This will be outlined in the Committee work programme which is updated regularly. Other routes to ensure Members' involvement and input will be employed through more informal events such as briefings and workshops.

Local Development Scheme

5.2 Following a Council decision to adopt the LDS, it will be placed on the council's website. Progress against the LDS milestones will be kept under review by the Strategic Planning team and will be a reported in the Authority Monitoring Report which is published each December. If progress varies from that currently set out, the LDS will be revised and re-presented to the Committee and Council in due course. An up-to-date LDS must be in place prior to the LPR Examination. The Committee's decision whether or not to progress the AQDPD will be reflected in the adopted LDS.

5.3 If approved by Council, the LDS will be formatted with corporate branding prior to publication.

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6. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	Accepting the recommendations will materially improve the Council's ability to achieve a number of the council's	Rob Jarman, Head of Planning & Development

	priorities as explained in paragraph 4.1. We set out the reasons other choices will be less effective in section 3 - Preferred options.	
Risk Management	Please refer to Section 4 - Risk.	Rob Jarman, Head of Planning & Development
Financial	The proposals set out in the recommendation are all within already approved budgetary headings as funding has been set aside in the Medium Term Financial Strategy for the Local Plan Review, so no new funding for implementation is needed at this stage. Financial monitoring will be an important component of the programme management arrangements for the LPR so that any divergences from the agreed budget can be anticipated, quantified and addressed. A decision to progress a separate Air Quality DPD (not recommended) could have budgetary implications as explained in paragraph 1.25 of the report. Progressing an updated version of the planning guidance would require staff resources although this would be shared if the work is progressed jointly.	Section 151 Officer & Finance Team
Staffing	A new structure for the Strategic Planning team has been instituted over recent months with recruitment to new posts associated with the implementation of CIL. Staff Resources are being actively managed and identified resource gaps are being filled though selective use of agency	Rob Jarman, Head of Planning & Development

	staff and, potentially, through the creation of temporary posts. Collation of the evidence base will require the commissioning of external, specialist expertise to deliver specific tasks.	
Legal	Legal advice will be sought as required throughout the Local Plan Review process. In addition to the Local Plan Review being required to comply with the defined 'legal tests', there will also be planning policy matters of judgement, approach and interpretation where a legal view will be a valuable input to the decision-taking process. A named officer in the Mid Kent Legal services team will be the key point of contact for all legal issues arising. Counsel's advice will be sought where it is prudent to do so.	Cheryl Parks, Mid Kent Legal Services (Planning)
Privacy and Data Protection	Accepting the recommendations will increase the volume of data held by the Council, most notably the personal data of those who respond to the consultation stages on the Local Plan Review. This data will be held and processed in accordance with the requirements of the GDPR.	Cheryl Parks, Mid Kent Legal Services (Planning)
Equalities	The recommendations do not propose a change in service therefore will not require an equalities impact assessment at this stage. We recognise that it is council policy to undertake a Equalities Impact Assessment on the draft LPR itself when that stage is reached.	[Policy & Information Manager]
Crime and Disorder	No specific implications at this	Rob Jarman, Head of

	stage.	Planning & Development
Procurement	In due course, officers will undertake procurement exercises to commission key inputs to the LPR, most notably the evidential documents which need to be undertaken by external specialists because the relevant skills are not held in house. We will complete those exercises in line with financial procedure rules.	Rob Jarman, Head of Planning & Development; & Section 151 Officer

7. REPORT APPENDICES

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

- Appendix 1: Local Development Scheme (2018-22)

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8. BACKGROUND PAPERS