

**Local Plan Review Regulation 18 Preferred Approaches  
Public Consultation**

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

**Executive Summary**

*This report introduces the second stage of public consultation for the Local Plan Review. The consultation document at Appendix 1 provides information regarding the preferred approaches and, where appropriate, reasonable alternative approaches on matters to be contained within the Local Plan Review. It considers the proposed spatial strategy, as well as approaches to non-strategic (Development Management) policies. It seeks authority to undertake a minimum 3 week public consultation under Regulation 18 of the Town and Country (Local Planning) (England) Regulation 2012 (as amended) on the Local Plan Review Preferred Approaches Document as well as concurrent public consultation on associated Sustainability Appraisal documents. The consultation is proposed to take place between Tuesday 1<sup>st</sup> December and Tuesday 22<sup>nd</sup> December.*

**Purpose of Report**

*The matters covered in this report are for decision*

**This report makes the following recommendations to this Committee:**

1. The Committee approves the Local Plan Review Preferred Approaches Document (Appendix 1) and Sustainability Appraisal of spatial approaches and sites (Appendix 2) for public consultation between the 1<sup>st</sup> December and 22<sup>nd</sup> December 2020
2. The Committee authorise the Head of Planning and Development, in conjunction with the Chair and Vice-Chair of this Committee, to make subsequent minor amendments and factual alterations to the consultation document

**Timetable**

<b>Meeting</b>	<b>Date</b>
Strategic Planning and Infrastructure Committee	9 November 2020

# Local Plan Review Regulation 18 Preferred Approaches Public Consultation

## 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	<p><i>The four Strategic Plan objectives are:</i></p> <ul style="list-style-type: none"> <li>• <i>Embracing Growth and Enabling Infrastructure</i></li> <li>• <i>Safe, Clean and Green</i></li> <li>• <i>Homes and Communities</i></li> <li>• <i>A Thriving Place</i></li> </ul> <p><i>Accepting the recommendations will materially improve the Council's ability to achieve each of the corporate priorities and this is set out within the consultation document in Appendix 1.</i></p>	Rob Jarman (Head of Planning & Development)
<b>Cross Cutting Objectives</b>	<p><i>The four cross-cutting objectives are:</i></p> <ul style="list-style-type: none"> <li>• <i>Heritage is Respected</i></li> <li>• <i>Health Inequalities are Addressed and Reduced</i></li> <li>• <i>Deprivation and Social Mobility is Improved</i></li> <li>• <i>Biodiversity and Environmental Sustainability is respected</i></li> </ul> <p><i>Accepting the recommendations will materially improve the Council's ability to achieve each of the cross-cutting objectives and this is set out within the consultation document in Appendix 1.</i></p>	Rob Jarman (Head of Planning & Development)
<b>Risk Management</b>	<p>This is the second iteration of the Local Plan under Regulation 18. There are legal compliance requirements, notably the Local Development Scheme, ongoing duty to co-operate and Statement of Community Involvement (SCI). A Sustainability Appraisal process (including the Strategic Environmental Assessment) and Habitats Regulations Assessment process is ongoing during the Local Plan Review. There are 4 tests of 'soundness': -</p> <ol style="list-style-type: none"> <li>1. Positively prepared</li> <li>2. Justified</li> <li>3. Effective</li> </ol>	Rob Jarman (Head of Planning & Development)

	<p>4. Consistent with national policy</p> <p>The preferred approaches document has taken account of all of these matters.</p>	
<b>Financial</b>	Funding has been set aside for the Local Plan Review in the Medium Term Financial Strategy. This includes funding for the specific consultation work described in this report.	[Section 151 Officer & Finance Team]
<b>Staffing</b>	<i>We will deliver the recommendations with our current staffing.</i>	Rob Jarman (Head of Planning & Development)
<b>Legal</b>	Acting on the recommendations is within the Council's powers as set out in the Planning and Compulsory Purchase Act 2004 and The Town & Country Planning (Local Planning) (England) Regulations 2012 (as amended) and the Environmental Assessment of Plans and Programmes Regulations 2004. The consultation document has had legal input during its preparation.	Russell Fitzpatrick and Cheryl Parks (MKLS, Planning)
<b>Privacy and Data Protection</b>	<i>Accepting the recommendations will increase the volume of data held by the Council. We will hold that data in line with our retention schedules. All responses will be anonymised before publication.</i>	Policy and Information Team
<b>Equalities</b>	The preferred option will ensure that an inclusive approach is taken to consultation on the Local Plan Review in line with the Statement of Community Involvement. It is important that the consultation process is accessible to all communities including seldom heard groups. A separate, equalities impact assessment has been undertaken for the Local Plan Review. This is a live document that will be revisited at various stages of the review and a further iteration will occur in response to the consultation proposed in this report.	[Policy & Information Manager]
<b>Public Health</b>	We recognise that the recommendations will have, or have the potential to have, a positive impact on population health or that of individuals. Particular links signposted in the main consultation document (Appendix 1).	[Public Health Officer]

<b>Crime and Disorder</b>	The recommendation can potentially have a positive impact on Crime and Disorder. as highlighted in the body of the main consultation document in Appendix 1.	Rob Jarman (Head of Planning & Development)
<b>Procurement</b>	On accepting the recommendations, the Council will then follow procurement exercises for document printing. We will complete this exercise in line with financial procedure rules.	Rob Jarman (Head of Planning & Development) & Section 151 Officer]

## **2. INTRODUCTION AND BACKGROUND**

- 2.1 Maidstone Borough Council's Local Plan was adopted in October 2017. This contained a policy (LPR1) setting out which matters may need to be addressed in the first review, with a target date of April 2021. Since this time, the government has published a new National Planning Policy Framework. This contains new requirements, including a new standard methodology for calculating housing need and a requirement for undertaking Local Plan reviews every 5 years. The Council has also subsequently produced a Strategic Plan 2019-2045.
- 2.2 In July 2018, the Council agreed that it would prepare a Local Plan Review. The first milestone in the timetable was an initial stage of public consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). The consultation document considered and sought responses on the 'Scoping, Themes and Issues' for the Local Plan Review and took place between 19<sup>th</sup> July 2019 and 30<sup>th</sup> September 2019. Over 550 responses were received, and the analysis was fed back to this Committee on 10<sup>th</sup> March 2020.
- 2.3 A significant amount of evidence and analysis has also been developed to inform the Local Plan Review, and this was presented to this Committee in September 2020 and has been published and is available on the Council's website.
- 2.4 The primary purpose of this report is to enable a decision to be made on the Preferred Approaches for the Local Plan Review, particularly for the spatial distribution of additional development in the borough i.e. growth, for the period to 2037. The timing and length of time for this consultation has been given careful consideration. In response to proposals by central government which would, if adopted, result in a significant increase in Maidstone's housing need figure, a new, condensed timetable (Local Development Scheme) for production of the Local Plan Review and a new Statement of Community Involvement were approved by Full Council on 30<sup>th</sup> September 2020 and were subsequently published. These documents enabled a minimum 3-week public consultation to take place under Regulation 18 in December 2020, whilst allowing the authority to move quickly to a public consultation under Regulation 19 in June 2021.

- 2.5 The above approach seeks to lower the risk of the authority having to take on the government's significantly higher, proposed housing needs figure as part of this Local Plan Review. It also enables public consultation to take place under Regulation 18 of the 2012 Regulations (as amended) on the preferred approaches for the policy areas contained within the Local Plan Review.
- 2.6 Pursuant to the published Local Development Scheme and Statement of Community Involvement, authority is sought to undertake the public consultation, in accordance with the relevant statutory and regulatory requirements set out nationally, and locally within the adopted Statement of Community Involvement. The public consultation document is attached as **Appendix 1** to this report.

### **Content and Structure of Preferred Approaches Consultation Document**

- 2.7 The initial Chapters of the consultation document provide context to the consultation document, including how to respond, the role of the Local Plan Review and key areas of influence e.g. the National Planning Policy Framework and the Maidstone Strategic Plan. The relationship with existing policies in the adopted Local Plan 2017 is also a key consideration. The document also emphasises that it contains preferred approaches rather than final policies, and is based on information that is currently available, which may be subject to modification or change, including as new evidence emerges. There are many examples of this evidence and this is set out in the consultation document. This includes the current and emerging situation around Natural England guidance on phosphates and nitrates associated with the River Stour and its catchment, and the implications for Maidstone.
- 2.8 The document recognises the various legal requirements associated overall with the Local Plan Review, including Sustainability Appraisal, Habitat Regulations Assessment and duty to co-operate. The duty to co-operate is an ongoing requirement and a framework incorporating cross boundary issues was set out in the Regulation 18 Scoping Themes and Issues consultation documents. The Preferred Approaches consultation document addresses ongoing requirements of the duty to co-operate especially given the geography of Maidstone. It also considers specific issues such as the Lidsing and Heathlands garden communities and associated infrastructure being adjacent to administrative boundaries. This is an iterative process, and the intention is to create broad statements of common ground as a result of the preferred approaches set out in the consultation document.
- 2.9 A spatial portrait is provided, as well as a summary of the key themes and issues that are being considered. This is followed by a vision and series of spatial objectives.
- 2.10 The consultation document then sets out the spatial strategy for growth that is to be accommodated in the Local Plan Review until 2037. This is presented as a preferred approach that illustrates the key roles of Maidstone Town Centre, Maidstone urban area, garden communities, Rural Service Centres and Larger Villages, and Smaller Villages and Hamlets. Of particular note is the role of proposed garden communities at Lidsing and Lenham Heathlands as components of the spatial strategy. The document

also sets out the key role Maidstone Town Centre will play in the future and proposes a separate town centre strategy to deal with this.

- 2.11 For ease of reference, a similar format is used to the corresponding chapters of the adopted Local Plan 2017. This includes proposed policy approaches considering the overall spatial strategy for the drivers of growth e.g. housing, employment, and retail.
- 2.12 For residential growth there is an increase of 5,790 new units from 2022 to 2037. For employment, the need is reset and not additional to that already identified. As this is a Local Plan Review, the growth outlined above is split between saved, existing and undeveloped allocations from the Local Plan 2017 as well as new allocations proposed as part of the review. The proposed split between existing and new allocations is as follows:

<b>Undeveloped Local Plan 2017 allocations/broad locations</b>	<b>New LPR proposed allocations</b>
Residential: 3,372	Residential: 5,883
Employment: 61,300 m2	Employment: 167,349 m2

- 2.13 A summary of the additional growth to that remaining in the Local Plan 2017 is outlined in table 1 below. This does not include employment allocation LPRSA Emp 1, as this is to be defined through the development management process. It sets out the broad areas and the quantum for employment and residential growth across the Borough.

<b>Growth Location</b>	<b>Residential units</b>	<b>Employment m<sup>2</sup></b>	<b>Town centre m<sup>2</sup></b>
Smaller Settlements	279	-	-
TC Regeneration	700	532	265
Garden Settlements	2,700	-	-
Maidstone Urban Area	182	-	-
Edge of Maidstone (N)	84	-	-
Edge of Maidstone (SW)	250	-	-
Edge of Maidstone (S/SE)	658	-	-
Edge of Maidstone (NE)	92	-	-
Harrietsham	100	-	-
Headcorn	127	-	-
Lenham	-	3,296	-
Marden	113	-	-
Staplehurst	127	-	-
Boughton Monchelsea	42	-	-
Coxheath	100	-	-
Eyhorne St (H'bourne)	11	-	-
Sutton Valence	100	375	413
Yalding	100	-	-
the Countryside	25	41,023	-

- 2.14 The preferred approach for growth as set out above is felt to be sustainable. It is felt that the allocation of growth to the existing centres in the Borough and developing new centres, that would be able to be independently sustainable, the growth pattern overall is sustainable. In addition, the growth pattern identified would ensure deliverability as it is a balanced approach across the Borough and ensure that the benefits of growth emerge in a timely manner.
- 2.15 The level of housing growth that is to be accommodated (1214 unit per annum) is required through application of the government's nationally prescribed standard methodology (a figure that would potentially increase to 1569 units per annum under recent government proposals), compared to the adopted Local Plan target of 883 units per annum.
- 2.16 Information is also provided in the consultation document on the sites that are intended to contribute to the spatial strategy, with illustrative text on the key matters that will be detailed for each site allocation. Reasonable alternatives to the spatial strategy are also presented. It should be noted that relevant adopted Local Plan housing allocations are to be preserved as part of the Local Plan Review and this is detailed further within the document.
- 2.17 In a similar way to the adopted Local Plan, strategic policy approaches are also set out for key topics areas, including approaches to the countryside, historic environment, type of housing, the economy and retail and infrastructure. Of note is an additional strategic policy on climate change and the approach proposed towards meeting Gypsy and Traveller accommodation needs. In respect of the latter, this is intended to take the form of a separate Development Plan Document/Local Plan, given the importance of the matter in its own right, including the likely level of need to be met in the Borough. It also reflects the impact of Covid 19 on the forthcoming Gypsy and Traveller Accommodation Needs Assessment.
- 2.18 The latter part of the consultation document is dedicated to non-strategic and detailed topic areas. This also mirrors the content of the adopted Local Plan. The policy approaches proposed in this part of the document reflect the fact that a number of policies within the adopted Local Plan are performing satisfactorily. There are, however, additions proposed, particularly regarding climate change-related matters.

## **Appendix 2 – Sustainability Appraisal of Reasonable Alternatives**

- 2.19 As noted above, the latest evidence base for the Local Plan Review has been published. In addition to this, work has been undertaken on a Sustainability Appraisal of reasonable alternative spatial approaches, as well as the 'green-rated' sites that were initially considered to be deliverable through the Strategic Land Availability Assessment. This additional work is provided as Appendix 2 to this report and will also be consulted on at the same time as the preferred approaches consultation document. The Sustainability Appraisal process is dealt with under separate legislative processes to the Local Plan Review. The consultation is with statutory consultees as a minimum but comments from others are also welcome. This will make use

of existing notification processes that will be used for the Local Plan Review Preferred Approaches consultation e.g. public notices, notification letters and other methods of notification, with the information being available on the Council's website. The consultation would run for the same period of time as the preferred approaches consultation.

### **Local Plan Review Call for Sites Update**

- 2.20 Following the Local Plan Review call for sites exercise, which took place between March and May 2019, the Council published the submissions in November 2019. Since then, the Council has received further site submissions and has also undertaken an exercise to identify alternative sources of sites. Alternative sources of sites have included consideration of:
- planning applications that have been refused or withdrawn
  - sites that have been subject to pre-application discussions
  - urban Capacity studies 2002 and 2006
  - aerial/map observations
- 2.21 The sites have been subject to the same level of testing as other submissions and have already been considered for inclusion in the Council's preferred spatial strategy. It is intended for these sites to be published on the Council's website and to also publish an update to the published Strategic Land Availability Assessment regarding these sites, when the public consultation on the Regulation 18 Preferred Approaches document goes live on 1<sup>st</sup> December 2020. As with the original publication of the call for sites submissions, the sites are part of the evidence base for the Local Plan Review and are published as such. They are therefore not subject to public consultation.
- 2.22 In order to maintain compliance with the published timetable for the Local Plan Review (contained in the adopted Local Development Scheme) it is intended for 22<sup>nd</sup> December 2020 to act as a cut-off date for any further call for sites submissions for this Local Plan Review. Site submissions received after this date cannot be guaranteed to be assessed and may be carried forward to the next review. A notice stating this will be published on the Council's website and will be sent out with the Local Plan Review Preferred Approaches consultation notifications. The 22<sup>nd</sup> December cut-off date corresponds with the closing of the Local Plan Review Preferred Approaches public consultation.
- 2.23 It should be noted that the preferred approaches document contains reference to specific sites. These sites have been chosen based on information that is currently available and they may change or be modified as further information becomes available.

### **Consultation Arrangements**

- 2.24 Public consultation is programmed to commence on Tuesday 1<sup>st</sup> December and finish on Tuesday 22<sup>nd</sup> December 2020, therefore running for a 3-week period, in order to finish before Christmas. We are working closely with the Council's Communications Team to prepare for the consultation and associated publicity. The consultation arrangements will comply with the Council's adopted Statement of Community Involvement and will include:

- publication of consultation documents on MBC's website
- consultation portal for the submission of on-line comments
- notifying statutory bodies, stakeholders and everyone on our consultation database
- public notice in the local newspaper
- press release/s
- use of social media to publicise the consultation

2.25 Given ongoing restrictions due to Covid 19, the associated Covid 19 Addendum to the Statement of Community Involvement will apply.

2.26 As the formal consultation period will be three weeks, it is proposed to undertake pre-consultation engagement with Parish Councils, infrastructure providers and statutory bodies, and developers in the run-up to the consultation period.

2.27 The pre-consultation engagement will provide an opportunity for the above organisations to be briefed on the proposals contained in the consultation document in order to help them prepare their responses. A programme is currently being drawn up to facilitate these briefings, which will include the Kent Association of Local Councils and Kent County Council.

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### **3. AVAILABLE OPTIONS**

3.1 The Regulations do not prescribe that a consultation document must be produced at this stage. The Committee could elect to meet the consultation requirements through other means.

3.2 Option A would be to prepare and undertake consultation on the Local Plan Review Preferred Approaches document at Appendix 1, along with the Sustainability Appraisal spatial approaches and sites at Appendix 2. This comprises the options set out in this report. The Local Plan Review consultation document sets out the preferred approaches to key matters in order that responses may be received on these and other relevant matters. The matters raised during the consultation period will be collated and published.

3.3 Option B would be not to produce a formal consultation document at this stage and to meet the regulatory requirements to consult on the matters to be included within the Local Plan Review Regulation 18 Preferred Approaches document through other means. Consultation on the Sustainability Appraisal spatial approaches and sites would still be required.

3.4 This would mean that the alternative means would need to be identified and could potentially include a series of open discussions, meetings and other types of engagement where the potential content of the Local Plan Review could be discussed, and views sought. These consultation exercises would need to cover all the technical areas. The outcomes of all these events would need to be recorded and, in time, published to demonstrate how the requirements have been met.

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

- 4.1 The publication of consultation documents (Option A) provides a useful point of focus which interested parties and stakeholders can use as they formulate their views on the content of the Local Plan Review. The Local Plan Review consultation document contains valuable background information, including highlighting the relationships with the Strategic Plan, as well as a clear structure (comparable to the adopted Local Plan 2017) to help frame and inform the content of the responses. This is particularly useful as the matters are quite wide ranging. The document also helps ensure everyone has access to the same level of information and so provides a consistent basis for everyone's responses, whether they are experienced contributors or first-time participants. The document also allows for respondents to make additional points beyond those the council has identified. The document provides a structure from which responses can be collated, presented and analysed. Having a consultation document at this stage in the Local Plan Review process will also help provide a clearer audit trail in the future for how the feedback received has affected the content and direction of the plan.
- 4.2 The advantages of Option A largely equate to the disadvantages of Option B. Without the context that the Local Plan Review consultation document provides, the responses received (via an Option B approach) are likely to be very diverse and to range beyond the remit of a land use plan. Significant resources (time and financial) will need to be devoted to arranging, facilitating and summarising the outputs arising from the range of consultation measures. This will divert the Strategic Planning team from progressing the technical background work which is pivotal to the Local Plan Review process. There is also some risk that the overall consultation process will be perceived as being less transparent compared with that associated with Option A, even though consultation on the Sustainability Appraisal spatial approaches and sites will still be necessary. Managing restrictions caused by Covid 19 will be an added complication.
- 4.3 **Option A** is the preferred option.

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## **5. RISK**

- 5.1 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council's Risk Management Framework. We are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.

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

- 6.1 As noted in Section 2 of this report, an initial stage of public consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) has been undertaken. The consultation considered and sought responses on the 'Scoping, Themes and

Issues' for the Local Plan Review and took place between 19<sup>th</sup> July 2019 and 30<sup>th</sup> September 2019. Over 550 responses were received, and the analysis was fed back to this Committee in March 2020.

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## **7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 7.1 Should the Committee approve the Local Plan Review Preferred Approaches Document (Appendix 1) and Sustainability Appraisal of spatial approaches (Appendix 2) for public consultation between the 1<sup>st</sup> December and 22<sup>nd</sup> December 2020, Officers will undertake the necessary preparation for this to take place in accordance with relevant statutory and regulatory requirements. This will also include pre-consultation engagement as set out in section 2 of this report.
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## **8. REPORT APPENDICES**

- *Appendix 1:* Maidstone Local Plan Review Preferred Approaches Document
  - *Appendix 2:* Sustainability Appraisal of spatial approaches (to follow)
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## **9. BACKGROUND PAPERS**

Maidstone Statement of Community Involvement (2020)

<https://localplan.maidstone.gov.uk/home/documents/local-plan-review-documents/lpr-progress/Statement-of-Community-Involvement-2020.pdf>