

Local Development Scheme 2021-2024

Final Decision-Maker	Full Council
Lead Head of Service	Rob Jarman, Head of Planning and Development
Lead Officer and Report Author	Mark Egerton, Strategic Planning Manager Anna Ironmonger, Planning Officer, Strategic Planning
Classification	Public
Wards affected	All

Executive Summary

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

Work is ongoing on the Local Plan Review in line with the Local Development Scheme 2021-2023 which was adopted by Full Council on 14 July 2021.

There is a need to produce two additional Development Plan Documents (DPDs) which will sit alongside the Local Plan Review. These are:

- Gypsy and Traveller DPD
- Design and Sustainability DPD

A new LDS is therefore required which will set out the timetable for delivery of the additional DPDs, in addition to the Local Plan Review. The new Local Development Scheme 2021-2024 can be found as an appendix to this report.

This report will primarily focus on the key milestones in delivering the Gypsy and Traveller DPD and the Design and Sustainability DPD. The report seeks a recommendation from this committee to Full Council that the Local Development Scheme 2021-2024 is approved.

Purpose of Report

Decision

This report makes the following recommendations to this Committee:

1. That a recommendation is made to Full Council that the Local Development Scheme 2021-2024 is approved.

Timetable	
<i>Meeting</i>	<i>Date</i>
Strategic Planning and Infrastructure Committee	9 November 2021
Council	8 December 2021

Local Development Scheme 2021-2024

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>The two new DPDs can contribute to all four objectives.</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 two new DPDs can contribute to all four cross-cutting objectives.</p>	Rob Jarman
Risk Management	Already covered in the risk section.	Rob Jarman
Financial	Funding is proposed but a specific budget allocation has yet to be agreed upon regarding the two new DPDs. The ongoing budget for this work is subject to consideration as part of the 2022-23 budget process.	Section 151 Officer & Finance Team - SA
Staffing	We will deliver the recommendations with our current staffing.	Rob Jarman
Legal	Accepting the recommendations will fulfil the Council's duties under the Planning and Compulsory Purchase Act 2004 (as amended).	Russell Fitzpatrick (MKLS (Planning) Team Leader
Privacy and Data Protection	This report does not raise any specific privacy/data protection issues at this stage	Policy and Information Team (Nicola Toulson)
Equalities	No implications identified as part of this report and recommendations.	Equalities and Communities Officer

		(Nicola Toulson)
Public Health	We recognise that the recommendations will have a positive impact on population health or that of individuals.	Public Health Officer (Jolanda Gjoni)
Crime and Disorder	The two new DPDs can potentially have a positive impact on crime and disorder.	Rob Jarman
Procurement	There are no implications for procurement.	Rob Jarman & Section 151 Officer
Biodiversity and Climate Change	There are no direct implications on biodiversity and climate change.	James Wilderspin, Biodiversity and Climate Change Manager

2. INTRODUCTION AND BACKGROUND

- 2.1 The Council is required by Section 15 of the Planning and Compulsory Purchase Act (2004) (as amended) to maintain an up-to-date Local Development Scheme (LDS). The purpose of an LDS is to set out the timetable for the delivery of Council produced planning policy documents and to set out the overall scope of those documents, in order to inform local people and stakeholders.
- 2.2 On 14 July 2021 the Local Development Scheme 2021-2023 was adopted and sets out the timetable for delivering the Local Plan Review. To date work on the Local Plan Review is on track against the timetable set out in the Local Development Scheme 2021-2023.
- 2.3 There is a need to produce two additional Development Plan Documents (DPDs) which will sit alongside the Local Plan Review. These are the Gypsy and Traveller DPD and the Design and Sustainability DPD. There will also be a need for an update to the Community Infrastructure Levy Charging Schedule, although this falls outside of the scope of the Local Development Scheme.
- 2.4 A new LDS is required which will set out the timetable for delivery of the two additional DPDs, in addition to the previously agreed timetable for the Local Plan Review, as well as the overall scope for these documents. The new Local Development Scheme 2021-2024 can be found as an appendix to this report.

Gypsy and Traveller DPD

- 2.5 A new Gypsy and Traveller Accommodation Assessment (GTAA) is being produced. Owing to the COVID 19 lockdowns and the subsequent public health advice, the new assessment has been delayed. In the meantime, discussions with the consultants undertaking the assessment have indicated that there will be a significant need for new pitches in Maidstone Borough, over the plan period.
- 2.6 The Local Plan Review Call for Sites exercise invited the submission of Gypsy, Traveller and Travelling Showpeople sites, however, only a small number were put forward for inclusion in the plan. As a consequence, Maidstone is facing a significant need for new pitches.
- 2.7 On the basis that the GTAA has not been completed and there will be a likely significant need for pitches, the most appropriate course of action is to undertake a separate Gypsy, Traveller and Travelling Showpeople DPD. This will be informed by the outcome of a Pitch Deliverability Assessment (to assess what proportion of the need can be met on existing sites through intensification or expansion) and if necessary, a targeted Call for Sites exercise to identify potential new sites so the needs of the community can be adequately and appropriately addressed and appropriate engagement can take place.
- 2.8 The timetable for delivering the DPD, subject to resources, can be found below.

Stage	Date
Evidence gathering	January 2021 to January 2023
Call for Sites	February to March 2022
Scope and matters and preferred approaches consultation (Regulation 18)	February to March 2023
Draft DPD consultation (Regulation 19)	August to September 2023
Submission (Regulation 22)	February to March 2024
Examination hearing sessions (Regulation 24)	May to June 2024
Main Modification Consultation	August to September 2024
Adoption – Full Council (Regulation 26)	November to December 2024

Design and Sustainability DPD

2.9 The Local Plan Review contains a suite of policies specifically addressing matters of design and sustainability. Recent shifts in local and national agendas have placed a greater degree of focus on how the Local Plan Review can respond to the current climate and biodiversity crises. At the Strategic Planning and Infrastructure Committee on the 21st September 2021, the Council resolved to prepare a DPD reinforced by appropriate evidence to support the Local Plan Review through the strengthening of the council's design and sustainability focused policies.

2.10 The report to the 21st September 2021 meeting of the Strategic Planning and Infrastructure Committee set out the detailed proposals for this document. However, at this stage, the DPD is intended to provide policies associated with the following overall areas –

- Landscape principals
- Biodiversity, including biodiversity net gain
- Design Coding
- Advice on generic design-related matters, such as materials, densities and building heights and orientation, tree planting, parking standards and lighting
- Onsite open space provision and standards
- Sustainable connectivity
- Building uses

2.11 The DPD will sit alongside and build on the policies in the Local Plan Review and will provide the basis for Development Management decision making. The DPD will be informed by the preparation of suitable evidence to justify and the adoption of higher design and sustainability standards where these can be achieved.

2.12 The timetable for delivering the DPD, subject to resources, can be found below.

Stage	Date
Evidence gathering	January 2021 to January 2023
Scope and matters consultation (Regulation 18a)	April to May 2022
Preferred approaches consultation (Regulation 18b)	February to March 2023
Draft DPD consultation (Regulation 19)	August to September 2023
Submission (Regulation 22)	February to March 2024
Examination hearing sessions (Regulation 24)	May to June 2024

Main Modification Consultation	August to September 2024
Adoption – Full Council (Regulation 26)	November to December 2024

Local Plan Review

2.13 The LDS replaces the Local Development Scheme 2021-2023. However, the scope and timing of the Local Plan Review remains unchanged.

2.14 The report seeks a recommendation from this committee to Full Council that the Local Development Scheme 2021-2024 is approved.

3. AVAILABLE OPTIONS

3.1 Option 1: The Local Development Scheme 2021-2024 is approved for adoption by Full Council. The LDS outlines the scope and timetable for delivering the Gypsy and Traveller DPD and the Design and Sustainability DPD, in addition to the previously agreed Local Plan Review. These have consideration for the Strategic Plan priorities and cross-cutting objectives.

3.2 Option 2: The Local Development Scheme 2021-2024 is not approved for adoption by Full Council. Under the Planning and Compulsory Purchase Act 2004 (as amended), local planning authorities must maintain an update to date LDS. The current LDS does not cover the Gypsy and Traveller DPD and the Design and Sustainability DPD and therefore a subsequent LDS is required. To not adopt this LDS will be contrary to the Planning and Compulsory Purchase Act 2004 (as amended) and would mean that the Local Planning Authority would fail its legal tests for producing these DPDs.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

4.1 Option 1 is the preferred option. By adopting the Local Development Scheme 2021-2023 the Council will be compliant with the Planning and Compulsory Purchase Act 2004 (as amended).

5. RISK

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

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

6.1 None

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

7.1 If approved by Full Council, the Local Development Scheme 2021-2024 will be published on the website. The delivery of the Gypsy and Traveller DPD and the Design and Sustainability DPD against milestones in the LDS will be monitored through the Authority Monitoring Report, which is published each year.

8. REPORT APPENDICES

Appendix 1: Local Development Scheme 2021-2024

9. BACKGROUND PAPERS

None