

**Maidstone Design and Sustainability Development Plan
Document Update**

Final Decision-Maker	Strategic Planning and Infrastructure Committee
Lead Head of Service	Philip Coyne Interim Director: Local Plan Review
Lead Officer and Report Author	Philip Coyne Interim Director: Local Plan Review
Classification	Public
Wards affected	All

Executive Summary

At the 21 September 2021 meeting of this committee, it was agreed that officers be authorised to procure and contract for the preparation of a Design and Sustainability Development Plan Document (DPD), which will form part of the Council's Local Development Scheme. This authorisation was subject to a resolution which provided for an all-member engagement session prior to a contract being formally entered into. However, as a result of severe pressure within the consultancy market for this type of work, the commissioning process was prolonged and there now exists a very real danger that commencement of work on this document before April of this year could compromise the final stages of work on the local plan review, which needs to be brought before this committee and submitted to the Secretary of State for Levelling Up, Housing and Communities by the end of March 2022. This report therefore seeks the agreement of the committee for officers to enter into a contract prior to the required all-member engagement session in order to ensure that the Council can retain the proposed contractor selected through the procurement process. Should the committee agree this course of action, it will be subject to an assurance from officers that the all-member engagement session will be conducted prior to any significant work on the DPD commencing.

Purpose of Report

Decision.

This report makes the following recommendations to this Committee:

That this committee authorises officers to enter into a contract for the preparation of the Design and Sustainability Development Plan Document, in advance of the all-member session required by the 21 September 2021 resolution of this committee, but subject to an assurance from officers that this all-member engagement session will be conducted in advance of any significant work being undertaken post-contract.

Timetable	
<i>Meeting</i>	<i>Date</i>
Strategic Planning and Infrastructure Committee	8 February 2022

Maidstone Design and Sustainability Development Plan Document Update

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	The Design and Sustainability DPD will contribute directly to the Homes and Communities and Safe, Green and Clean priorities through the provision of policies which will enable the Council to require higher quality developments in a manner which will maximise design, sustainability and the establishment of new communities with access to high quality formal and informal open spaces.	Interim Local Plan Review Director
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>A specific focus of the DPD proposed in this report will be the achievement of improved levels of bio-diversity net gain, with better quality natural and semi-natural open spaces. The provision of better quality open spaces within new developments and open spaces linking developments will contribute to reduction of health inequalities through encouragement of walking and cycling.</p>	Interim Local Plan Review Director
Risk Management	The commissioning of the DPD will go through the Council's normal procurement processes and a management framework will be agreed at the outset of the commission which will ensure that risk levels are maintained within the range normally acceptable to the Council.	Interim Local Plan Review Director
Financial	The Policy & Resources Committee made £140k available for this project at its meeting on 23 June 2021. These resources may be carried forward for utilisation in the next financial year if work on the project is	Section 151 Officer & Finance Team

	delayed. Note that there are further costs for examination, which will need to be funded separately.	
Staffing	This project will be managed by the Interim Director for the Local Plan Review whose costs are currently provided for within the Local Plan Review budget. Project management and other support will be contained within existing staffing budgets.	Interim Local Plan Review Director
Legal	Any necessary agreements or contracts entered into must be in accordance with the Council's Financial and Contract Procedure Rules and should be in a form approved by the Head of Legal Partnership.	Russell Fitzpatrick (MKLS (Planning))
Privacy and Data Protection	Accepting the recommendations will increase the volume of data held by the Council. We will hold that data in line with our retention schedules.	Policy and Information Team
Equalities	We recognise the content of the DPD may have varying impacts on different communities within Maidstone. Therefore, the DPD will have associated equalities impact assessment.	Equalities and Communities Officer
Public Health	We recognise that the recommendations will not negatively impact on population health or that of individuals.	Public Health Officer
Crime and Disorder	The proposed DPD will be focused in significant part upon good design, which will incorporate measures to reduce crime and increase public safety.	Interim Local Plan Review Director
Procurement	On accepting the recommendations, the Council will then follow a procurement exercise for commissioning the DPD work. We will complete those exercises in line with financial procedure rules.	[Head of Service & Section 151 Officer]
Biodiversity and Climate Change	A specific role of the proposed DPD will be an increase in biodiversity net gain and the promotion of development principles which maximise sustainability and contribute positively to the climate change agenda.	Biodiversity and Climate Change Manager

2. INTRODUCTION AND BACKGROUND

- 2.1. At its meeting on 23rd June 2021, the Policy and Resources Committee agreed a budget of £140,000 to undertake work to strengthen the 'non-spatial' policy framework within the Council's Local Development Scheme. Subsequently, at its meeting on 21st September 2021 (the September Report), this committee authorised officers to procure and contract for the preparation of a Design and Sustainability Development Plan Document (DPD) to be adopted as part of the Maidstone Local Development Scheme.
- 2.2. The September Report provided this committee with an outline of the nature of the DPD and the topics that would be contained therein. The report also advised members of the likelihood that following engagement with the market and more detailed discussions with the appointed consultant, it would be likely that the overall brief for the work would be refined.
- 2.3. As a result of the scope for the brief to change, the committee resolved that there should be an all-member briefing around the revised scope of the DPD prior to the Council entering into contract with the successful consultant.
- 2.4. In accordance with the detail contained within the September Report, an initial process of market engagement was undertaken in conjunction with the council's procurement officers between 1st October and 15th October 2021. However, this exercise resulted in no expressions of interest being submitted. As a result, discussions were held with a number of the companies who had visited the procurement portal but had failed to register an interest. The feedback from these discussions was that whilst there was indeed interest in the commission, many of the companies were stretched in terms of the pressures of existing contracts, in some cases exacerbated by staffing issues. One of the impacts of these pressures was that companies were reluctant to devote resource to commissions which were not at formal tender stage.
- 2.5. In the context of the above discussions, a formal tender process was conducted between 15th November and 8th December. As part of this process, officers received feedback indicating that whilst there was interest in the commission, some companies were struggling with timescales, with one request received for an extension of the timescale. As a result of this, a further tender period was advertised between 10th December and 14th January.
- 2.6. In the event, only one tender was received. However, this proposal was from an international multi-disciplinary built environment consultancy, with a very significant track record. Officers have subsequently interviewed the company and are confident that they have the background and breadth of skills to undertake this work successfully.
- 2.7. Members will be aware that the local plan review is currently at a critical stage. Following the regulation 19 consultation exercise some 2250 representations were received. Work in analysing these representations in

readiness for reporting to this committee and submission to the Secretary of State for Levelling Up Housing and Communities before the end of March this year, is continuing at pace.

- 2.8. As part of the interviews with the proposed consultant, it was clear that the spatial planning team will need to devote significant time in the 'clienting' role at the commencement of the contract. This will be critical in ensuring that the DPD scoping is clearly agreed at the outset and that members are sighted on, and given opportunity to input to, its proposed content.
- 2.9. However, given the pressures that the spatial planning team is currently under in meeting the March deadline for submission of the local plan review, attempting to devote the necessary time to this commission at the moment will run the very significant risk of compromising the deadline for submission of the local plan review.
- 2.10. For the reasons above, it is proposed that commencement of work on the Design and Sustainability DPD be delayed until April of this year. Members will appreciate that in a very strong consultancy market, it is important that we keep the proposed contractor engaged and give them the confidence to start to organise their time and resource in readiness for an April start. However, to do this, we will need to enter into a contract before it is possible to undertake member engagement work as per the September 2021 resolution of the committee. Therefore, the committee is requested to agree that the contract be entered into in advance of the all-member session required by the resolution, subject to an assurance from officers that following early work with the consultant to refine the scope and content of the brief, this will be shared with members for input before any significant work commences.

3. AVAILABLE OPTIONS

- 3.1 Option 1: That this committee agrees to a delay in commencement of work on the Design and Sustainability DPD and authorises officers to enter into a contract prior to an all-member engagement. This agreement would be subject to an assurance from officers that this engagement will be undertaken in advance of significant work on the DPD commencing
 - 3.2 Option 2: That this committee instructs officers to continue commissioning the Design and Sustainability DPD in line with the September 2021 resolution of the committee.
 - 3.3 Option 3: That this committee instructs officers to delay entering into the contract for the Design and Sustainability DPD until after submission of the local plan review at the end of March, in order that the September resolution of the committee can be complied with.
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4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 The preferred option is Option 1, as this will enable officers to enter into a contract for the preparation of the Development Plan Document subject to a delayed start, which will subsequently avoid the redeployment of resource away from the local plan review. This option would also be subject to an assurance by officers that prior to commencement of significant work on the DPD, a member engagement event will be held to consider its scope and content.
 - 4.2 The selection of Option 2 would risk a delay in submission of the local plan review with all the potential consequences with which members of this committee are familiar. This option would also risk compromising our ability to retain the preferred contractor.
 - 4.3 Option 3, as with option 2 above, would run the risk of the Council losing the preferred contractor for the work at a point where the market is very strong, and with no guarantee as to the likely outcome of any re-commissioning exercise.
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5. RISK

- 5.1 The risk of failing to vary the September 2021 resolution of this committee, as detailed above, is that the Council either compromises the time critical submission of the local plan review, or risks having to re-tender the commission for the Development Plan Document with no guarantee as to the likelihood of obtaining appropriate tenders.
 - 5.2 Any risk around the variation of the September 2021 resolution vis-à-vis member engagement can be managed between officers and members and is therefore entirely within the parameters of the Council's normal risk appetite.
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6. APPENDICES

- 6.1 None