

LEAD MEMBER FOR PLANNING AND INFRASTRUCTURE

21 October 2022

Design and Sustainability DPD – Scoping, Themes and Issues Consultation

Timetable	
Meeting	Date
Planning and Infrastructure PAC	17 October 2022
Lead Member for Planning and Infrastructure	21 October 2022

Will this be a Key Decision?	No
Urgency	Not Applicable
Final Decision-Maker	Lead Member for Planning and Infrastructure
Lead Head of Service	Phil Coyne, Interim Director (Local Plan Review)
Lead Officer and Report Author	Helen Garnett, Principal Planner (Strategy Planning)
Classification	Public
Wards affected	All

Executive Summary

This report introduces the first stage (Scoping, issues and options) of public consultation for the Design and Sustainability Development Plan Document (DPD). The consultation documents appended provide information on what the Local Planning Authority envisages to be the scope and key issues for the Development Plan Document, with the purpose of gathering feedback from the public and other stakeholders on its content and coverage. The report explains the background to the DPD, its relationship with the Local Plan and Local Plan Review, and what this consultation is seeking to achieve.

The public consultation is scheduled for six weeks starting on 28 October 2022.

Purpose of Report

To provide background to the Design and Sustainability DPD and to outline the contents of the Scoping, Themes and Issues consultation document.

The matters covered in this report are for decision.

This report makes the following recommendations to the Lead Member for Planning and Infrastructure:

1. That the Maidstone Design and Sustainability DPD Scoping, Themes and Issues document (Regulation 18) in Appendix 1 be agreed for public consultation.
2. That the Interim Local Plan Review Director be given delegated authority to finalise the format of Design and Sustainability DPD; Scoping, Themes and Issues Document for presentation to the Lead Member for Planning and Infrastructure, including any corrections required.

Design and Sustainability DPD – Scoping, Themes and Issues Consultation

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 • Accepting the recommendations will materially improve the Council’s ability to achieve corporate priorities. We set out the reasons other choices will be less effective in section 2 [available alternatives]. 	Interim Director (Local Plan Review)
Cross Cutting Objectives	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> • Heritage is Respected • Health Inequalities are Addressed and Reduced • Deprivation and Social Mobility is Improved • Biodiversity and Environmental Sustainability is respected <p>The report recommendation(s) supports the achievement(s) of the cross cutting objectives by delivering sustainable growth.</p>	Interim Director (Local Plan Review)
Risk Management	This is the first iteration of the Design and Sustainability DPD. There is a legal requirement to undertake consultation during the Regulation 18 stage of an emerging Development Plan Document.	Interim Director (Local Plan Review)
Financial	The proposals set out in the recommendation are all within already approved budgetary headings and so need no new funding for implementation.	Section 151 Officer

Staffing	We will deliver the recommendations with our current staffing.	Interim Director (Local Plan Review)
Legal	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). The Council will also need to comply with the Local Development Scheme and the Statement of Community Involvement.	Team Leader (Planning), Mid Kent Legal Services
Information Governance	The recommendations do not impact personal information (as defined in UK GDPR and Data Protection Act 2018) the Council Processes.	Information Governance Officer
Equalities	Accepting the recommendations will ensure that an inclusive approach is taken to consultation on the Design and Sustainability DPD 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 will be undertaken for the DPD.	Equalities and Communities Officer
Public Health	We recognise that the recommendations will have a positive impact on population health or that of individuals.	Senior Public Health Officer
Crime and Disorder	The recommendations will have a potentially positive impact by reducing the potential for Crime and Disorder.	Interim Director (Local Plan Review)
Procurement	On accepting the recommendations, the Council will then follow procurement exercises for [listed parts of the action]. We will complete those exercises in line with financial procedure rules.	Section 151 Officer
Biodiversity and Climate Change	The implications of this report on biodiversity and climate change have been considered and align with the actions set out in the biodiversity and climate change action plan.	Biodiversity and Climate Change Manager

2. INTRODUCTION AND BACKGROUND

- 2.1 At its meeting in September 2021 the Strategic Planning and Infrastructure Committee agreed to undertake work to strengthen the Council's 'non-spatial' planning policy framework in order to achieve higher quality and more sustainable design across the Borough, reinforce Development Management decisions, and provide a stronger defence to planning appeals. Since that resolution, the council has commissioned consultants Arup to undertake the production of the Development Plan Document ("DPD").
- 2.2 The DPD will form part of the Development Plan for the Borough, and will sit alongside and build upon the contents of the forthcoming Local Plan Review. The appended document explains the background to the DPD, its relationship with the Local Plan and Local Plan Review. The DPD is required to be in compliance with the National Planning Policy Framework including the test of soundness, and will need also to comply with appropriate legal obligations such as the Duty to Cooperate. It will need to respond to, and help deliver, the relevant aspects of other associated strategies and action plans adopted by the Council, such as the Strategic Plan and Biodiversity and Climate Change Action Plan.
- 2.3 It is a non-spatial policy document, that is it does not seek to allocate new sites or define a strategic direction for growth in the borough. Rather, the policies will be informed by the necessary evidence base and detail required to promote policies to support the negotiation of high-quality design, greater levels of biodiversity and more sustainable development.

Content and Structure of the Consultation Document

- 2.4 The preparation of the Development Plan Document is an iterative process and possible options will be narrowed and refined in response to emerging information and evidence as work on the DPD progresses.
- 2.5 At this scoping stage, the document does not draw conclusions on the way forward for any particular matter. Its content is focused on describing the background to the relevant matters, signalling issues and identifying and inviting possible additional matters for consideration. It does not prescribe what the DPD should conclude on a particular matter, as issues raised during the formal consultation stages, in addition to the focused input of specialist bodies (for example infrastructure providers), will also inform the future direction and content of the DPD and will, at the appropriate time, need to be supported by a robust evidence base.
- 2.6 The consultation document first explains the purpose of the document and purpose of the consultation. A series of questions are posed throughout the document seek to draw out views on the following broad themes:
 - Placemaking
 - Streets and Buildings
 - Open Spaces and Nature
 - Movement
 - Sustainable Buildings
 - Design Quality

- 2.7 The consultation document describes the broad content of each of the themes, setting out the issues surrounding each, and the goal of the DPD in addressing these issues.
- 2.8 The theme of **Placemaking** specifically addresses matters relating to how the DPD can help the council deliver the right mix of uses, create attractive and distinctive identities for new development, and how existing context should be interpreted. This section sets a series of questions to explore the characteristics and features of the built environment valued by residents and consultees and where there might be scope to improve the borough's built environment and street scene.
- 2.9 **Streets and Buildings** deals with multiple elements of the built form, including height and massing, density, block types and building typologies. This theme centres on the role the individual buildings have in collectively shaping the character of public places around them. The questions associated with this theme seek to examine how people interact with such places, whether there are examples of good spaces in the borough, and what the DPD should do to ensure good quality public places.
- 2.10 Moving on to the natural environment and open space, the third theme, **Open Space and Nature**, seeks to cover off matters relating to green infrastructure and sustainable development. It brings together interlinked matters such as Biodiversity Net Gain, SUDS, the provision of open space, landscape and topography. The questions associated with this theme again ask how residents interact with open space, whether there should be better connectivity between open spaces for nature and the benefit of residents, and whether there are good examples of open space within the borough.
- 2.11 The theme on **Movement** picks up on parking provision, landscape design and tree provision, public transport and active travel within the context of publicly accessible spaces. The overarching purpose of this theme in the DPD will be to strike a balance between the needs of users and residents, with a key aim of ensuring that new development support the provision of parking (including EV charging), cycling, pedestrian movement in a way that is framed by strong soft landscaping. Questions in relation to this theme centre on options for movement, the environment provided by new streets, and EV charging and car infrastructure.
- 2.12 **Sustainable Buildings** encompasses matters relating to low carbon buildings, including orientation to manage solar gain, provision of renewable energy in new development, climate resilience, and water capture and re-use. The questions related to this theme centre on what sustainable building features should be sought from new development and whether there are examples of buildings where this has been achieved successfully.
- 2.13 Finally, the theme on **Design Quality** picks up on matters relating to the design and materials of individual buildings and how these features should be framed by local distinctiveness, including developing in or around sensitive landscapes, topographies, and other designations. This theme also addresses matters relating to internal and external space standards and guidance for HMO (houses in multiple occupation) design. Again, the questions relating to

this theme ask for good and bad examples, and whether respondents feel it necessary to set design standards.

2.14 In support of these theme specific questions, the document also asks a set of overarching questions regarding the content and general direction of the DPD.

2.15 Following consultation on this Regulation 18 Scoping, Themes and Issues Document, responses will be analysed and will feed into a further Regulation 18 Preferred Approaches Document. It is expected that consultation on the preferred approaches will take place in Spring 2023, in line with the Local Development Scheme.

Consultation

2.16 Regulation 18 engagement is a requirement under The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), for which the LPA must notify specified persons or bodies regarding what the plan should contain. There is no legal consultation period for this stage of plan preparation. The Statement of Community Involvement ("SCI") however requires a minimum three-week consultation period. Notwithstanding this, to ensure that we encourage significant response levels, and to accord with the LDS, and given that we are not driven by specific timeline targets, it is recommended that it remain open for a period of six weeks.

2.17 Public consultation is programmed to commence on 28 October 2022 and will run to 12th December 2022. Strategic Planning officers are working closely with the Council's Communications team to prepare the consultation and associated publicity with a view to enabling interactive participation where possible, such as the use of mapping software. The Consultation will be undertaken in accordance with the SCI and the Council's Communications and Engagement Strategy.

2.18 The consultation arrangements will include:

- publication of consultation documents on MBC's website and on social media
- consultation documents available for viewing in libraries and The Link
- the creation [or use] of a consultation portal for the submission of on-line comments
- notifying statutory bodies, stakeholders and those persons included on the Council's Strategic Planning consultation database
- public notice in the local newspaper and press release/s

2.19 In addition to the above, as highlighted at para 2.17, officers are exploring ways that consultees can take part in the consultation, or supplement their comments via interactive mapping.

Duty to Cooperate

2.20 As this is a local development document, there is a requirement to meet the Duty to Cooperate as set out in the S.33A of the Planning and Compulsory Purchase Act 2004 (As amended). At this stage the Council has ongoing Duty

to Cooperate with neighbouring authorities, the County Council and those prescribed bodies listed in Part 2 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Council will seek additional engagement with neighbouring authorities and prescribed bodies to fulfil this duty.

3. AVAILABLE OPTIONS

Recommendation 1:

- 3.1 Option 1A - Proceed with consultation.
This will meet requirements of Local Development Scheme ("LDS"), and the SCI and Regulatory requirements. This is the preferred option.
- 3.2 Option 1B - Agree the consultation with changes
Where changes are proposed, there may be a potential delay to the process, including commencement of the consultation. This will have a knock-on effect for the LDS, meaning a new LDS would have to be produced in order to address changes. The consultation would then take place in accordance with the new timetable as approved by full council.
- 3.3 Option 1C – Do not consult
The council has committed to undertaking a consultation at this stage of the documents production by way of the LDS. Should members choose to not go ahead with the consultation, this would be contrary to the current LDS requirements. In this scenario, proposals will then need to be established for the production of this DPD which would allow engagement with relevant bodies or persons to take place at appropriate stages, in order to meet regulatory requirements. This would also require a new LDS to be created. A new SCI would also need to be produced to accommodate the changes in engagement process.

Recommendation 2:

- 3.4 Option 2A - That the Interim Local Plan Review Director be given delegated authority to finalise the format of Design and Sustainability DPD; Scoping, Themes and Issues Document for presentation to the Lead Member for Planning and Infrastructure, including any corrections required. This will ensure that the consultation document is published and consulted on having been subject to a final review of typographical, grammatical and minor graphic matters.
- 3.5 Option 2B – That Members don't give members delegated authority to finalise the format. This would mean that these minor changes will need to go through a reporting process, most likely resulting in the need to delay the consultation and the production of a new LDS.
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4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 Options 1A and 2A are recommended. This will ensure that the Design and Sustainability DPD proceeds in accordance with the timetable set out in the approved LDS, and in accordance with the SCI and relevant Regulations.

5. RISK

- 5.1 The risks associated with these proposals, 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 area within the Council's risk appetite and will be managed as per the Policy
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6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 This issue will be considered by the Planning and Infrastructure Policy Advisory Committee on 17 October 2022.
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7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 Following consideration by the PAC, the report will be sent to the Lead Member for Planning and Infrastructure for decision.
- 7.2 If agreed, the consultation will commence at the end of October.
- 7.3 There may be minor work, such as graphics, layout, spelling and grammatical changes required to the consultation documents, and these will be undertaken prior to commencement of the consultation.
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8. REPORT APPENDICES

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

Appendix 1: Draft Design and Sustainability DPD