

STRATEGIC PLANNING AND INFRASTRUCTURE COMMITTEE MEETING

Date: Tuesday 9 June 2020

Time: 6.30 pm

Venue: Remote Meeting - The public proceedings of the meeting will be broadcast live and recorded for play back on the Maidstone Borough Council website

Membership:

Councillors D Burton (Chairman), Clark, English, Garten, Mrs Grigg (Vice-Chairman), McKay, Munford, Parfitt-Reid and de Wiggondene-Sheppard

The Chairman will assume that all Members will read the reports before attending the meeting. Officers are asked to assume the same when introducing reports.

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1. Apologies for Absence	
2. Notification of Substitute Members	
3. Urgent Items	
4. Notification of Visiting Members	
5. Disclosures by Members and Officers	
6. Disclosures of Lobbying	
7. To consider whether any items should be taken in private because of the possible disclosure of exempt information.	
8. Minutes of the Meeting Held on 10 March 2020	1 - 9
9. Presentation of Petitions (if any)	
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Issued on Monday 1 June 2020

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

15. Key Performance Indicators 2020-21	35 - 40
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INFORMATION FOR THE PUBLIC

In order to ask a question at this meeting, please call **01622 602899** or email committee@maidstone.gov.uk by 5 p.m. one clear working day before the meeting (i.e. by 5 p.m. on Friday 5 June 2020). You will need to provide the full text in writing.

If your question is accepted, you will be provided with instructions as to how you can access the meeting.

In order to make a statement at the invitation of the Chairman, please call 01622 602899 or email committee@maidstone.gov.uk by 5 p.m. one clear working day before the meeting. You will need to tell us which agenda item you wish to make representations on.

If you require this information in an alternative format, please call **01622 602899** or email committee@maidstone.gov.uk.

To find out more about the work of the Committee, please visit www.maidstone.gov.uk.

Should you wish to refer any decisions contained in these minutes to the **Policy and Resources Committee**, please submit a Decision Referral Form, signed by **three** Councillors, to the **Head of Policy and Communications** by: **1 April 2020**

MAIDSTONE BOROUGH COUNCIL

STRATEGIC PLANNING AND INFRASTRUCTURE COMMITTEE

MINUTES OF THE MEETING HELD ON TUESDAY 10 MARCH 2020

Present: Councillors D Burton (Chairman), Clark, English, Garten, Mrs Grigg, McKay, Munford, Parfitt-Reid and Perry

Also Present: Councillor Purle

116. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor de Wiggondene-Sheppard.

117. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Perry was present as a Substitute for Councillor de Wiggondene-Sheppard.

118. URGENT ITEMS

There were no urgent items.

119. NOTIFICATION OF VISITING MEMBERS

It was noted that Councillor Purle was present as a Visiting Member and indicated that he wished to speak on Item 16, Maidstone Local Plan Review – Feedback from the Scoping, Themes & Issues (Regulation 18) Consultation, and Item 18, Local Development Scheme.

120. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

121. DISCLOSURES OF LOBBYING

Councillors Burton, Clark, English, Garten, McKay and Parfitt-Reid stated that they had been lobbied on Item 15, Lenham Neighbourhood Plan Regulation 16.

All Councillors stated that they had been lobbied on Item 17, Maidstone Local Plan Review – Progress Update and Next Steps.

122. EXEMPT ITEMS

RESOLVED: That all items be taken in public as proposed.

123. MINUTES OF THE MEETING HELD ON 7 JANUARY 2020

RESOLVED: That the minutes of the meeting held on 7 January 2020 be approved as a correct record and signed.

124. PRESENTATION OF PETITIONS

There were no petitions.

125. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were seven questions from members of the public.

Question to the Chairman of the Strategic Planning and Infrastructure Committee from Mr Peter Titchener

'What are the main criteria by which sustainability is judged - for example, does the absence of shops, doctors and regular public transport make significant planned housing in small villages unsustainable?'

The Chairman responded to the question.

Mr Peter Titchener asked the following supplementary question:

'Can I ask whether the same conditions on sustainability will apply to the Gypsy and Traveller Community as much as to the settled Community?'

The Chairman responded to the supplementary question.

Question to the Chairman of the Strategic Planning and Infrastructure Committee from Ms Anna Wight

The Chairman noted how Ms Wight was not available to ask her question in person and as such he would ask it on her behalf and answer it in conjunction with the next public member question, due to their overlap.

'October 2022 has been noted as the deadline for the final plan submission for the Local Development Scheme. Will there be a first round of initial sifting of those sites definitely likely or definitely unlikely to be considered, so that some of the applicants will receive information sooner than October 2022?'

The Chairman responded to the question.

Question to the Chairman of the Strategic Planning and Infrastructure Committee from Mr Peter Coulling

'We understand that sites submitted as a result of the Call for Sites have been classified into green, amber and red, with red initially thought very unlikely to be selected. Apparently, the results of detailed appraisal for all sites will be released simultaneously; that is red sites at the same time as

green and amber. Why, therefore, cannot the detailed analysis for the red sites been done first so that, if they fail to meet necessary selection criteria, they can be declared as such, with clear evidence having been accumulated to support such declaration and to defend at any appeal?’

Mr Peter Coulling asked the following supplementary question:

‘Why cannot the Officers be instructed to start with the red and knocking out those which clearly fail any reasonable criteria?’

The Chairman responded to the supplementary question.

Question to the Chairman of the Strategic Planning and Infrastructure Committee from Mr Steve Heeley

‘Question 11 of your Scoping Themes & Issues public consultation last year asked residents’ for their views on preferred options for future patterns of housing growth.

Based on the summary of responses, a focus on Maidstone town centre and/or a dispersal approach across the borough were most favoured. Garden communities was the least favoured option. In light of this, why is this Council pursuing its own council-led garden community at the expense of focusing greater efforts and resource on regenerating and densifying Maidstone town centre as requested by residents in your consultation?’

The Chairman responded to the question.

Question to the Chairman of the Strategic Planning and Infrastructure Committee from Ms Claudine Russell

‘During our campaign we have sought advice from the Government and the then Housing Minister Esther McVey, along with Andrea Hall from development plans who responded saying, and I quote...

"I understand Maidstone Borough Council are currently carrying out a Local Plan Review, Scoping Themes and Issues Consultation. I would encourage you to engage with this process to ensure local views are heard."

The officers state in their report that MBC received a "substantial response" to this regulation 18 public consultation and that many of them were from Marden residents. People took time and care to respond to this consultation, responding in many different ways but with the overarching theme that they did not want Option C (garden communities).

Given this substantial response and the now elongated timescale for the Local Plan Review, I would like to ask this committee how you will ensure that these views of local people will continue to be taken into account in this review process and how will they inform your options for the spatial strategy for Maidstone Borough?’

The Chairman responded to the question.

Question to the Chairman of the Strategic Planning and Infrastructure Committee from Ms Donna Greenan

'Could you tell me what steps Maidstone Borough Council have taken over the past year and intend to take over the next year to increase the proportion of affordable housing in the borough to meet the needs of local residents?'

The Chairman responded to the question.

Ms Donna Greenan asked the following supplementary question:

'With a large number of families like my own, earning local wages, living in private rentals faced with increasing rental costs, do the Council believe that making 85 affordable homes available in quarter three really addresses the local need?'

The Chairman responded to the Supplementary Question.

Question to the Chairman of the Strategic Planning and Infrastructure Committee from Mr Robert Adkin

'Could you tell us how the Call for Sites assessment will remain politically objective?'

The Chairman responded to the Question.

Mr Robert Adkin asked the following supplementary question:

'So as this Committee is independent of the process, a Member of this Committee has recently been in communication with a number of our neighbours saying that Lenham is an obvious target for development, and refers to the fact that that is partly due to the independent nature of our ward Councillors and that no other political party sees much to lose in our ward, so I wonder in light of those comments that have been made to our neighbours in public documents, how do you feel about the independence of this group?'

The Chairman responded to the Supplementary Question.

Councillor English, on behalf of the Leader of the Liberal Democrat Group, responded to the question.

Councillor Perry, Leader of the Conservative Group, responded to the question.

The full responses were recorded on the webcast and were made available to view on the Maidstone Borough Council Website.

To access the webcast recording, please use the below link:

<https://www.youtube.com/watch?v=DIUYATcsznk>

126. QUESTIONS FROM MEMBERS TO THE CHAIRMAN

There were no questions from Members to the Chairman.

127. COMMITTEE WORK PROGRAMME

The Strategic Planning Manager introduced the Committee Work Programme, drawing attention to item 18 on the agenda – Local Development Scheme. It was confirmed that should the recommendations made be passed, the Local Plan Review Regulation 18b – Preferred Approached Public Consultation would take place in October rather than September, subject to the approval of agenda item 18 at full council.

A member item request was made to include a report, to review the feasibility of a petition that was presented previously concerning a 20mph speed limit on Hale Road. The request was made following a change in the policy and protocol of Kent County Council.

It was agreed that a report would be placed on the agenda, when feasibly possible.

RESOLVED: That the Committee Work Programme be noted.

128. REPORTS OF OUTSIDE BODIES

Councillors Burton and English presented the reports of Outside Bodies for which they act as Council representatives.

RESOLVED: That the Reports of Outside Bodies be noted.

129. 3RD QUARTER BUDGET & PERFORMANCE MONITORING REPORT 2019/20

The Head of Finance introduced the report and noted how the report content was historical in nature, as it was originally intended to be presented at the cancelled 7 February 2020 meeting of this Committee.

In response to the concerns expressed and questions from Members, the Head of Finance confirmed that:

- The salary slippage seen within the report was due to vacancies being held open during the year, as not all vacancies were filled when the budget was set. Including the vacancies at the beginning of the financial year meant that funds did not have to be saved elsewhere;
- The Income shortfall would likely continue and worsen as the year end approaches. The Head of Planning Development Management had created a plan to address this in the next financial year;
- A small underspend for the Council was predicted in December 2019, however due to actions outside of the control of this

Committee, it was likely that the Council would break-even or have a smaller underspend than originally predicated; and

- The presentation of the figures shown was relatively recent, as it was previously under the remit of the Policy and Resources Committee, which would account for some of the confusion caused.

It was requested that the Head of Finance supply the Committee with the contextual background for the outstanding enforcement cases, which was previously requested. The Head of Finance confirmed that this information would be sent to Member via email as it was not available to hand.

RESOLVED: That

1. The Revenue position as at the end of Quarter 3 for 2019/20, including the actions being taken or proposed to improve the position, where significant variances have been identified, be noted.
2. The Capital position at the end of Quarter 3 be noted; and
3. The Performance position as at Quarter 3 for 2019/20, including the actions being taken or proposed to improve the position, where significant issues have been identified, be noted.

130. **LENHAM NEIGHBOURHOOD PLAN REGULATION 16**

The Strategic Planning Manager introduced the report and highlighted the provisions for the Lenham Neighbourhood Plan within Maidstone's Adopted Local Plan. These included site allocations and the associated infrastructure for 1000 homes.

Lenham Parish Council had undertaken a second public consultation from 14 February 2020 until 27 March 2020. This had been facilitated by Maidstone Borough Council, with opportunities to provide representations to the independent examiner given, which are shown in Appendix 1.

The representations made include concern regarding the robustness of the evidence base used and the lack of strategy to deliver the infrastructure needed for the homes proposed.

The Chair of the Lenham Neighbourhood Planning Group, Sandy Mackenzie, spoke on the item, with the main points summarised below:

- Following recommendations from 2017, the LNPG had moved forward with the publication and consultation on the pre-regulation 14 draft, the regulation 14 draft and the regulation 16 draft neighbourhood plan;
- During the process we had consulted with, and taken advice from, Maidstone Borough Council Officers and have continued to do so;

- The Lenham Neighbour Plan Group was created to include the neighbourhood plan team and representatives of landowners and developers;
- In response to the publication of the agenda for this Committee Meeting, we have been made aware of the Council's draft on the regulation 16 neighbourhood plan;
- Despite the general support expressed for the Lenham Neighbourhood Plan, the work that would need to be undertaken to mitigate the Council's concern over the robustness of the evidence based used, would likely take us beyond the end of the public consultation period; and
- Given this, it was requested that the Committee instruct Officers to assist Lenham Parish Council to create the necessary documentation and to ensure that this would be shared with the examiner when possible, to be considered during the examination process.

The Strategic Planning Manager confirmed that Officers would continue to assist Lenham Parish Council.

The Committee expressed an understanding of the hard work undertaken by Lenham Parish Council in working towards the Lenham Neighbourhood Plan.

RESOLVED: That

1. The Lenham Neighbourhood Plan be generally supported, subject to the resolution of matters raised in the Council's representation (Appendix 1); and
2. The Council's representation on the Lenham Neighbourhood Plan, attached at Appendix 1, be approved.

131. MAIDSTONE LOCAL PLAN REVIEW - FEEDBACK FROM THE SCOPING, THEMES & ISSUES (REGULATION18) CONSULTATION

The Strategic Planning Manager introduced the report and noted that publication consultation on Scoping, Themes and Issues for the Maidstone Local Plan Review had taken place for 10 weeks between July and the end of September 2019. It was noted that over 550 responses and three petitions were received during the consultation period.

Within the response, there was a broad level of concern regarding the level of housing growth, in that meeting the housing need would need to occur through multiple approaches. Suggestions made included, the use of brownfield land for development, that any housing built should be accompanied with the relevant infrastructure and community facilities and that specifically transport infrastructure was of great concern.

In response to a question from a visiting member, the Strategic Planning Manager highlighted that Appendix 1 included the responses given by Councillors during the Consultation. It was confirmed that Councillors responses were given no additional weight than an ordinary member of the public. Responses from Parish Councils are attributed the same weight as an individual response.

RESOLVED: That the content of this report be noted.

132. MAIDSTONE LOCAL PLAN REVIEW - PROGRESS UPDATE & NEXT STEPS

The Strategic Planning Manager introduced the report and noted the diagram shown in section 1.4 which showed the categories influencing the Local Plan Review.

The Strategic Planning Manager chose to draw attention to the Call for Sites exercise that was undertaken to understand how the market would accommodate the significant uplift in the amount of homes required by the government. The report noted the ongoing work in the consideration of site submissions, alongside additional evidence, so approaches were identified to move forward. There have also been discussions with infrastructure providers to gain a greater understanding of their needs, alongside discussions facilitated with Kent County Council which concerned traffic modelling.

It was recommended that, the gap between the Scoping Themes and Issues Consultation and the consultation on a submission version of the Local Plan Review was such that, a public consultation on approaches to the matters that would be contained in the Local Plan Review should occur in two stages:

- The first stage of public consultation would possibly include gypsy and traveller growth. An independent study concerning this was ongoing. This was referenced in section 1.23 of the report; and
- The second element would occur as part of the February 2021 proposal and consultation process.

RESOLVED: That the content of this report be noted.

133. LOCAL DEVELOPMENT SCHEME

The Strategic Planning Manager introduced the report as a statutory document, which outlined the timetable for the future stages of the Local Plan Review.

The current version was approved in July 2018; however, an amended timetable was proposed to reflect the revised proposals including a two-stage public consultation review and information on the overall work programme proposal. Details on meeting the first milestone were shown in sections 1.3 and 1.4.

During the debate it was felt by some Members that the resolution of full Council, passed on 18 December 2019, to expedite the call for sites process, had not been taken into account in developing the Local Development Scheme. The Head of Planning Development Management confirmed that much of the response against proposed development was an inability of the existing road infrastructure to cope with increased demand. Therefore, the importance of a robust evidence-based approach to examining the proposed sites was necessary in order to determine planning applications properly.

A question was asked of the Interim Local Plan Review Director, concerning whether the resources needed to adhere to the newly proposed timetable were available. The Officer responded that the resources would be monitored closely throughout all stages of the process and that if necessary, additional resources would be allocated to fulfilling this timetable. It was also confirmed that should the timetable need to be changed again; it would be subject to the approval of this Committee.

Whilst many Members expressed a sense of unease with the proposed delayed timetable, it was felt that there were no other options than to move forward. Several members expressed their support for Option A for this purpose only.

It was suggested that the Committee be regularly updated, by Officers, on the progress of the Local Development Scheme.

RESOLVED: That

1. This Committee resolve to recommend to Council that the Local Development Scheme 2020 – 2022 be approved to come into effect on the 8 April 2020; and
2. Officers provide a short-written update at each meeting of this Committee, concerning any slippage and/or progress on delivering the plan on the timescale agreed, subject to its referral to Full Council.

134. DURATION OF MEETING

6. 30 p.m. to 8.30 p.m.

2020/21 WORK PROGRAMME

	Committee	Month	Origin	CLT to clear	Lead	Report Author
MITP Update	SPI	07-Jul-20	Cllr Request	?	Rob Jarman	James Lehane
Affordable and Local Needs Housing SPD Adoption	SPI	07-Jul-20	Local Plan Process	No	Rob Jarman	Mark Egerton
Revised Neighbourhood Planning Protocol	SPI	07-Jul-20	Officer Update	?	Mark Egerton	Sue Whiteside
Local Plan Review Update	SPI	07-Jul-20	Officer Update	No	Phil Coyne	Phil Coyne/Mark Egerton
Lenham Neighbourhood Plan - Post Examination Proposals	SPI	08-Sep-20	Officer Update	?	Mark Egerton	Sue Whiteside
Boughton Monchelsea Neighbourhood Plan - Regulation 16 Representations	SPI	08-Sep-20	Officer Update	?	Mark Egerton	Sue Whiteside
Upper Stone Street Air Quality Update Report	SPI	08-Sep-20	Officer Update	?	William Cornall	
Local Plan Review Regulation 18 - Preferred Approaches Public Consultation Part 1	SPI	07-Oct-20	Local Plan Review Process	?	Phil Coyne	Mark Egerton
Authority Monitoring Report	SPI	08-Dec-20	Local Plan Process	?	Mark Egerton	Anna Ironmonger
Local Plan Review Regulation 18 - Preferred Approaches Public Consultation Part 2	SPI	09-Feb-21	Local Plan Review Process	?	Phil Coyne	Mark Egerton
KCC 20mph Speed Limit Pilot - Summary of Conclusions (Requested by Cllr English)	SPI	Awaiting Date for Pilot Information to be Released by KCC	Cllr Request	?	TBC	TBC
Ensuring Conditions are Incorporated in Delegated Decisions	SPI	TBC	Cllr Request	?	Rob Jarman	Rob Jarman

STRATEGIC PLANNING & INFRASTRUCTURE COMMITTEE

9 June 2020

4th Quarter Budget & Performance Monitoring Report 2019/20

Final Decision-Maker	Strategic Planning & Infrastructure Committee
Lead Head of Service	Mark Green, Director of Business Improvement
Lead Officer and Report Authors	Ellie Dunnet, Head of Finance Paul Holland, Senior Finance Manager (Client) Clare Harvey, Data Intelligence Officer
Classification	Public
Wards affected	All

Executive Summary

This report sets out the 2019/20 financial and performance position for the services reporting into the Strategic Planning and Infrastructure Committee (SPI) as at 31st March 2020 (Quarter 4). The primary focus is on:

- The 2019/20 Revenue and Capital budgets; and
- The 2019/20 Key Performance Indicators (KPIs) that relate to the delivery of the Strategic Plan 2019-2045.

The combined reporting of the financial and performance position enables the Committee to consider and comment on the issues raised and actions being taken to address both budget pressures and performance issues in their proper context, reflecting the fact that the financial and performance-related fortunes of the Council are inextricably linked.

Budget Monitoring

Overall net income for the services reporting to SPI is £473,000, compared to the approved revised budget of £791,000, representing a net income shortfall of £318,000.

Capital expenditure for the services reporting to SPI of £88,000 has been incurred against the approved revised budget of £371,000. This means there is slippage of £283,000, and this will be carried forward into 2020/21.

Performance Monitoring

All three of the targeted KPIs have achieved their Q4 targets. Two errors have been reported and are detailed in Appendix 2. The impact of these errors was negligible and has not affected the end of year outturn for the year.

Purpose of Report

The report enables the Committee to consider and comment on the issues raised and actions being taken to address both budget pressures and performance issues as at 31st March 2020

This report makes the following Recommendations to the Committee:

1. That the Revenue position as at the end of Quarter 4 for 2019/20, including the actions being taken or proposed to improve the position, where significant variances have been identified, be noted.
2. That the Capital position at the end of Quarter 4 be noted; and
3. That the Performance position as at Quarter 4 for 2019/20, including the actions being taken or proposed to improve the position, where significant issues have been identified, be noted.

Timetable

<i>Meeting</i>	<i>Date</i>
Strategic Planning & Infrastructure Committee	9 June 2020

4th Quarter Budget & Performance Monitoring Report 2019/20

CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<p>This report monitors actual activity against the revenue budget and other financial matters set by Council for the financial year. The budget is set in accordance with the Council's Medium-Term Financial Strategy which is linked to the Strategic Plan and corporate priorities.</p> <p>The Key Performance Indicators and strategic actions are part of the Council's overarching Strategic Plan 2019-45 and play an important role in the achievement of corporate objectives. They also cover a wide range of services and priority areas.</p>	Director of Finance and Business Improvement (Section 151 Officer)
Cross Cutting Objectives	This report enables any links between performance and financial matters to be identified and addressed at an early stage, thereby reducing the risk of compromising the delivery of the Strategic Plan 2019-2045, including its cross-cutting objectives.	Director of Finance and Business Improvement (Section 151 Officer)
Risk Management	This is addressed in Section 5 of this report.	Director of Finance and Business Improvement (Section 151 Officer)

Issue	Implications	Sign-off
Financial	<p>Financial implications are the focus of this report through high level budget monitoring. Budget monitoring ensures that services can react quickly enough to potential resource problems. The process ensures that the Council is not faced by corporate financial problems that may prejudice the delivery of strategic priorities.</p> <p>Performance indicators and targets are closely linked to the allocation of resources and determining good value for money. The financial implications of any proposed changes are also identified and taken into account in the Council's Medium-Term Financial Strategy and associated annual budget setting process. Performance issues are highlighted as part of the budget monitoring reporting process.</p>	Senior Finance Manager (Client)
Staffing	<p>The budget for staffing represents a significant proportion of the direct spend of the Council and is carefully monitored. Any issues in relation to employee costs will be raised in this and future monitoring reports.</p> <p>Having a clear set of performance targets enables staff outcomes/objectives to be set and effective action plans to be put in place.</p>	Director of Finance and Business Improvement (Section 151 Officer)
Legal	<p>The Council has a statutory obligation to maintain a balanced budget and the monitoring process enables the Committee to remain aware of issues and the process to be taken to maintain a balanced budget.</p> <p>There is no statutory duty to report regularly on the Council's performance. However, under Section 3 of the Local Government Act 1999 (as amended) a best value authority has a statutory duty to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness. One of the purposes of the Key Performance Indicators is to facilitate the improvement of the economy, efficiency and effectiveness of Council services. Regular reports on Council performance help to demonstrate best value and compliance with the statutory duty.</p>	Team Leader (Corporate Governance), MKLS

Issue	Implications	Sign-off
Privacy and Data Protection	The performance data is held and processed in accordance with the data protection principles contained in the Data Protection Act 2018 and in line with the Data Quality Policy, which sets out the requirement for ensuring data quality. There is a program for undertaking data quality audits of performance indicators.	Team Leader (Corporate Governance), MKLS
Equalities	There is no impact on Equalities as a result of the recommendations in this report. An EqIA would be carried out as part of a policy or service change should one be identified.	Equalities and Corporate Policy Officer
Public Health	The performance recommendations will not negatively impact on population health or that of individuals.	Public Health Officer
Crime and Disorder	There are no specific issues arising.	Director of Finance and Business Improvement (Section 151 Officer)
Procurement	Performance Indicators and Strategic Milestones monitor any procurement needed to achieve the outcomes of the Strategic Plan.	Director of Finance and Business Improvement (Section 151 Officer)

1. BACKGROUND AND INTRODUCTION

- 1.1 The Medium-Term Financial Strategy for 2019/20 to 2023/24 - including the budget for 2019/20 - was approved by full Council on 27th February 2019. This report updates the Committee on how its services have performed over the last financial year with regard to revenue and capital expenditure against approved budgets. The figures included within the report are still subject to audit and should therefore be regarded as provisional at this stage.
- 1.2 This report also includes an update to the Committee on progress against its Key Performance Indicators (KPIs).
- 1.3 Attached at **Appendix 1**, is a report setting out the revenue and capital spending position at the Quarter 4 stage. Attached at **Appendix 2**, is a report setting out the position for the KPIs for the corresponding period.

2. AVAILABLE OPTIONS

- 2.1 There are no matters for decision in this report. The Committee is asked to note the contents but may choose to take further action depending on the matters reported here.
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3. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 3.1 In considering the current position on the Revenue budget, the Capital Programme and KPIs at the end of December 2019, the Committee can choose to note this information or could choose to take further action.
- 3.2 The Committee is requested to note the content of the report and agree on any necessary action to be taken in relation to the budget position and/or the KPIs position.
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4. RISK

- 4.1 This report is presented for information only and has no direct risk management implications.
- 4.2 The Council has produced a balanced budget for both revenue and capital income and expenditure for 2019/20. The budget is set against a backdrop of limited resources and a difficult economic climate. Regular and comprehensive monitoring of the type included in this report ensures early warning of significant issues that may place the Council at financial risk. This gives the Committee the best opportunity to take actions to mitigate such risks.
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5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 The KPIs update ("Performance Monitoring") is reported to service committees quarterly: Communities, Housing & Environment Committee; Economic Regeneration & Leisure Committee; and the Strategic Planning & Infrastructure Committee. Each committee will receive a report on the relevant priority action areas. The report is also presented to the Policy & Resources Committee, reporting on the priority areas of "A Thriving Place", "Safe, Clean and Green", "Homes and Communities" and "Embracing Growth and Enabling Infrastructure".
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6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 The Quarter 4 Budget & Performance Monitoring reports are being considered by the relevant Service Committees during June 2020, including a full report to the Policy & Resources Committee on 24th June 2020.

- 6.2 Details of the discussions which take place at Service Committees regarding financial and performance management will be reported to Policy and Resources Committee where appropriate.
- 6.3 The Council could choose not to monitor its budget and/or the Strategic Plan and/or make alternative performance management arrangements, such as the frequency of reporting. This is not recommended as it could lead to action not being taken against financial and/or other performance during the year, and the Council failing to deliver its priorities.
- 6.4 There is significant uncertainty regarding the Council's financial position beyond 2019/20, arising from the impacts of the Covid-19 crisis and the Council's role in responding to this. Future finance reports to this committee will ensure that members are kept up to date with this situation as it develops.
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7. REPORT APPENDICES

- Appendix 1: Fourth Quarter Budget Monitoring 2019/20
 - Appendix 2: Fourth Quarter Performance Monitoring 2019/20
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8. BACKGROUND PAPERS

None.

Fourth Quarter Budget Monitoring 2019/20

Strategic Planning & Infrastructure Committee

9th June 2020

Lead Officer: Mark Green

Report Authors: Ellie Dunnet/Paul Holland

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A2) Revenue Budget: Significant Variances (>£30,000)	Page 5
A3) Local Plan Review (LPR)	Page 7

Part B: Fourth Quarter Capital Budget 2019/20

B1) Capital Budget: Council	Page 9
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Executive Summary

This report provides Members with an overview of progress against the 2019/20 revenue and capital budgets as at 31st March 2020 (i.e. the provisional outturn position) for the services falling within the remit of the Strategic Planning and Infrastructure Committee (SPI). The analysis gives consideration given to the Council's overall position.

This report is backward looking and the figures presented therefore do not reflect the significant impact on the Council's finances arising from the Covid-19 pandemic. This is being monitored closely and will be reflected in future budget monitoring reports to this committee.

The headlines for Quarter 4 are as follows:

Part A: Fourth Quarter Revenue Budget 2019/20

- Overall net income for the services reporting to SPI is £473,000, compared to the approved revised budget of £790,000, representing a net income shortfall of £318,000.

Part B: Fourth Quarter Capital Budget 2019/20

- Capital expenditure for the services reporting to SPI of £88,000 has been incurred against the approved revised budget of £371,000. This means there is slippage of £283,000, and this will be carried forward into 2020/21.

Part A

Fourth Quarter Revenue Budget 2019/20

A1) Revenue Budget: Strategic Planning & Infrastructure (SPI)

A1.1 Table 1 below provides a detailed summary on the budgeted net income position for SPI services at the end of Quarter 4. The financial figures are presented on an 'accruals' basis (e.g. expenditure for goods and services received, but not yet paid for, is included).

Table 1: SPI Revenue Budget: NET EXPENDITURE

(a)	(b)	(c)	(d)
Cost Centre	Revised Budget for Year £000	Actual £000	Variance £000
Building Regulations Chargeable	-325	-348	23
Building Control	-1	-1	-0
Street Naming & Numbering	-69	-83	14
Development Control Advice	-211	-221	10
Development Control Appeals	50	48	2
Development Control Majors	-685	-515	-169
Development Control - Other	-837	-694	-142
Development Control Enforcement	275	275	0
Planning Policy	88	81	7
Neighbourhood Planning	0	-0	0
Conservation	-11	3	-15
Town Centre Opportunity Area Project	0	18	-18
Land Charges	-297	-301	4
Environment Improvements	25	29	-4
Development Management Section	1,200	1,264	-64
Spatial Policy Planning Section	507	495	11
Head of Planning and Development	123	126	-3
Development Management Enforcement Section	231	219	12
Building Surveying Section	423	410	13
Mid Kent Planning Support Service	428	343	85
Heritage Landscape and Design Section	252	258	-6
CIL Management Section	154	145	9
Mid Kent Local Land Charges Section	98	91	7
Salary Slippage 2SPI	-71	0	-71
Sub-Total - Planning Services	1,348	1,643	-294

(a)	(b)	(c)	(d)
Cost Centre	Revised Budget for Year £000	Actual £000	Variance £000
Name Plates & Notices	18	22	-3
Arterial Route Improvements	0	-2	2
On Street Parking	-361	-435	74
Residents Parking	-253	-174	-79
Pay & Display Car Parks	-1,896	-1,725	-171
Non Paying Car Parks	11	9	3
Off Street Parking - Enforcement	-83	-193	111
Mote Park Pay & Display	-189	-207	17
Sandling Road Car Park	3	1	3
Park & Ride	197	204	-7
Socially Desirable Buses	33	15	18
Other Transport Services	-10	-11	1
Parking Services Section	390	381	9
Sub-Total - Parking Services	-2,140	-2,116	-24
Total	-791	-473	-318

A1.2 The table shows that overall net income for the services reporting to SPI is £473,000, compared to the approved revised budget of £790,000, representing a net income shortfall of £318,000.

A2) SPI Revenue Budget: Significant Variances (>£30,000)

A2.1 Within the headline figures, there are a number of both adverse and favourable net expenditure variances for individual cost centres. It is important that the implications of variances are considered at an early stage, so that contingency plans can be put in place and, if necessary, be used to inform future financial planning.

A2.2 Table 2 below highlights and provides further detail on the most significant variances i.e. those meeting or exceeding £30,000 at the end of Quarter 4.

Table 2: SPI Variances >£30,000 (@ Quarter 4)

	Positive Variance Q4	Adverse Variance Q4
Development Control Majors – The initial income target set was reviewed and reduced, as outlined in the Quarter 3 report. However, the number of applications received has continued to be significantly less than forecast hence the shortfall in income for this year.		-169
Development Control Other – This is a similar situation to the major applications budgets where minor planning applications received are significantly less than forecast for the year.		-142
Development Management Section – Budget pressures have been experienced on salaries and wages (£50,000) and professional services (£14,000) due to the use of additional consultancy resources to address shortfalls in capacity.		-64
Mid Kent Planning Support Service – This variance relates to a number of posts that have been vacant during the year.	+85	
Salary Slippage – This is a credit budget, which allows for service underspends on salaries, due to temporary vacancies arising from staff turnover. This adverse variance offsets underspends in other service areas.		-71
On-Street Parking – Higher than expected on-street parking space turnover has driven higher than budgeted income.	+74	
Residents Parking – A number of Tribunal cases have been lost where the adjudicator has ruled that the wrong contravention code has been used within resident parking bays. Consequently, processes have been adapted, entailing a lower contravention code (leading to a lower penalty charge), which has depressed income from this source. PCN volumes for Residents Parking infringements are also down slightly compared to last year.		-79
Pay & Display Car Parks – Income levels from Pay & Display car parks have not met expectations.		-171
Off-Street Parking Enforcement – although overall PCN volumes are comparable to last year, a slightly greater proportion have been issued for Off-Street infringements than the budget assumes, which is offset by a slightly lower proportion issued for Residents	+111	

A3) Local Plan Review (LPR)

- A3.1 The Local Plan Review (LPR) process is an important, high profile and continuous task undertaken by the Planning Services team. The associated revenue spending profile however is cyclical and does not fit the conventional 12-month financial planning process for general revenue expenditure. Instead, spending tends to follow the five-year production period of each Local Plan with various peaks and troughs over that time period.
- A3.2 The LPR process is therefore funded through an annual £200,000 revenue contribution, in addition to the existing service budget, with any remaining unspent balances at year end automatically rolled forward into the following financial year. Table 3 below shows the movement in revenue resources currently allocated to fund LPR activities; there is a surplus of £280,397 for the year-end, which will automatically roll forward into 2020/21.

Table 3: Local Plan Review (LPR) Spending (@ Quarter 4 2019/20)

Opening Balance 1/04/2019 (including 2019/20 allocation)	Spending April 2019 – March 2020	Remaining Balance 31/03/2020
£'s	£'s	£'s
518,070	(237,673)	280,397

Part B

Fourth Quarter Capital Budget 2019/20

B1) Capital Budget: Strategic Planning & Regeneration Committee (SPI)

B1.1 The final outturn position of the 2019/20 SPI element of the Capital Programme at the Quarter 3 stage is presented in Table 3 below. The budget for 2019/20 includes resources brought forward from 2018/19.

Table 4: SPI Capital Programme 2019/20 (@ Quarter 4)








Capital Programme Heading	Adjusted Estimate 2019/20 £000	Actual to March 2020 £000	Budget Remaining £000
Strategic Planning & Infrastructure			
Mall Bus Station Redevelopment	250	53	197
Bridges Gyratory Scheme	121	35	86
Total	371	88	283

B1.2 Comments on the variances in the table above are as follows:

- Mall Bus Station Redevelopment – work is progressing on the scheme with survey and design work being undertaken so far. Subject to the impact of Covid-19 it is anticipated that the major works will be undertaken at some point in 2020/21.
- Bridges Gyratory Scheme – the residual budget is being used to fund flood prevention works by the Medway Street subway. Designs have been drawn up and the work is now expected to take place in early 2020/21.

Fourth Quarter Performance Monitoring 2019/20











Key to performance ratings

RAG Rating		Performance Summary	Direction	
	Target not achieved			Performance has improved
	Target slightly missed (within 10%)			Performance has been sustained
	Target met			Performance has declined
	Data Only		N/A	No previous data to compare

RAG Rating	Green	Amber	Red	N/A ¹	Total
KPIs	3	0	0	3	6
Direction	Up	No Change	Down	N/A	Total
Last Year	1	0	0	5	6
Last Quarter	2	2	2	0	6







- 100% (3) of (3) targetable quarterly key performance indicators (KPIs), reportable to the Strategic Planning and Infrastructure Committee, achieved the Quarter 4 target.
- Comparable data for the same period last year is only available for one of the KPIs. An improvement in performance can be seen for this KPI, and is reflected in the annual trend column with an upward facing arrow¹.
- Compared to last quarter (Q3 2019/20), performance for 33.3% (2) has improved, 33.3% (2) of KPIs has been sustained, and for 33.3% (2) of KPIs has declined¹.

Embracing Growth & Enabling Infrastructure

Performance Indicator	Q4 2019/20				
	Value	Target	Status	Annual Trend	Quarterly Trend
Percentage of priority 1 enforcement cases dealt with in time	100%	100%		N/A	
Percentage of priority 2 enforcement cases dealt with in time	97.12%	90%		N/A	
Total number of complaints received within period	107			N/A	
Number of affordable homes delivered (gross)	142	45			

¹ PIs rated N/A are not included in the summary calculations

* Indicates data that has not been authorised

Performance Indicator	Q4 2019/20				
	Value	Target	Status	Annual Trend	Quarterly Trend
Number of priority 1 enforcement cases dealt with in time	3			N/A	
Number of priority 2 enforcement cases dealt with in time	101			N/A	

All KPIs achieved their respective targets this quarter. The remaining three KPIs are 'information-only'.

Please note:

Due to system reporting errors, the data for the following linked KPIs were reported incorrectly in Q1, Q2, and Q3, of 2019/20:

	Data reported			Correct data			Difference/Error in reporting (ignoring direction)		
Name of KPI	Q1	Q2	Q3	Q1	Q2	Q3	Q1	Q2	Q3
Percentage of priority 1 enforcement cases dealt with in time	100%	100%	100%	100%	100%	100%	-	-	-
Percentage of priority 2 enforcement cases dealt with in time	95.21 %	95.42 %	90.15 %	96.77 %	96.88 %	89.47 %	1.56p p	1.46p p	0.68p p
Total number of complaints received within period	188	236	135	188	135	136	-	101	1
Number of priority 1 enforcement cases dealt with in time		6	3	2	7	3	N/A	1	-
Number of priority 2 enforcement cases dealt with in time		125	119	180	124	119	N/A	1	-

pp = percentage points

The reporting error has been identified and appropriate, new processes, put in place by the Planning Enforcement team.

As previously reported, the 'Percentage of priority 1 enforcement cases dealt with in time' KPI met each quarterly target in Q1, Q2 and Q3, in 2019/20, and the new data confirms that this remains the case.

It was also reported that the 'Percentage of priority 2 enforcement cases dealt with in time' KPI had met its quarterly targets in Q1 2019/20 and Q3 2019/20, and that it had missed its quarterly target within 10% in Q2 2019/20. Overall, the performance remains the same. It met its target for two out of the three previous quarters, in 2019/20. However, the new data provided clarifies that it was in Q3 rather than in Q2 that it missed its target within 10%.

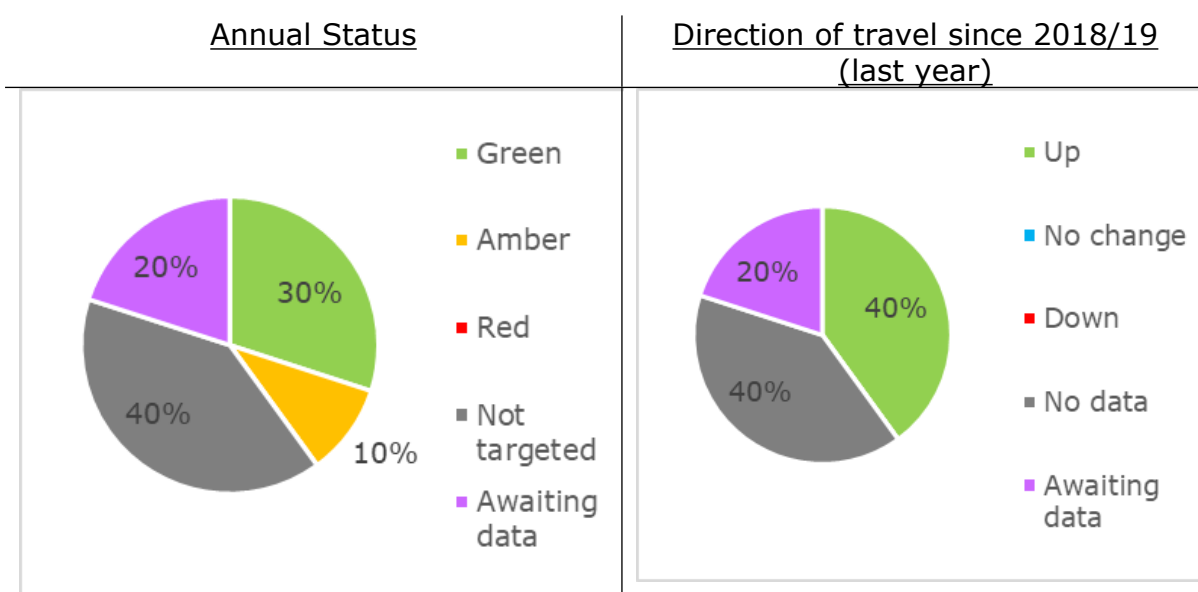
Due to a reporting error, the data for the following KPI was reported incorrectly in Q1 2019/20:











	Data reported	Correct data	Difference/Error in reporting (ignoring direction)
Name of KPI	Q1	Q1	Q1
Number of affordable homes delivered (gross)	72	56	16



Revised information was provided at Q4 by Sage Housing following the detection of a reporting error for a previous quarter at its end of year process. This was immediately reported to Performance Management.

The 'Number of social rented homes delivered (gross)' KPI has changed from 51 to 35 for Q1 2019/20 as 16 affordable rented completions were reported in error by Sage Housing. However, despite this reduction in the 'Number of affordable homes delivered (gross)', the KPI has met its annual target of 180 as 325 affordable homes have been delivered in 2019/20.

End of Year Outturn 2019/20



Indicator	Q1 2019/20	Q2 2019/20	Q3 2019/20	Q4 2019/20	Annual 2019/20	Direction of travel since 2018/19 (last year)	Annual Status
Percentage of priority 1 enforcement cases dealt with in time	100%	100%	100%	100%	100%	No Data	
Percentage of priority 2 enforcement cases dealt with in time	96.77%	96.88%	89.47%	97.12%	95.1%	No Data	
Total number of complaints received within period	188	135	136	107	566		
Number of affordable homes delivered (gross)	56	42	85	142	325		
Number of priority 1 enforcement cases dealt with in time	2	7	3	3	15	No Data	
Number of priority 2 enforcement cases dealt with in time	180	124	119	101	524	No Data	
Number of appeals in period	H1 = 44		H2 = 44		88		

MBC success rate at planning appeals (rolling 6 months)	H1 = 59.09%		H2 = 79.55%		69.32%		
Percentage of new homes provided that are affordable	-	-	-	-	AWAITING DATA FOR THIS KPI	AWAITING DATA FOR THIS KPI	AWAITING DATA FOR THIS KPI
Net additional homes provided (NI 154)	-	-	-	-	AWAITING DATA FOR THIS KPI	AWAITING DATA FOR THIS KPI	AWAITING DATA FOR THIS KPI

Please note

Figures for 2019/20 are unavailable for 'Percentage of new homes provided that are affordable' and 'Net additional homes provided (NI 154)'.

The 'Percentage of new homes provided that are affordable' (annual) figure is calculated using the figures from 'Net additional homes provided (NI 154)' and 'Number of affordable homes delivered (gross)'. The 'Number of affordable homes delivered (gross)' annual figure for 2019/20 is 325, which is made up of 145 shared ownership homes delivered (gross) and 180 social rented homes delivered (gross).

Data collection is ongoing for 'Net additional homes provided (NI 154)'. Data used to calculate the net additional homes provided relies on information generated from the annual Housing Information Audit and collected through site visits. This process has changed in line with Government guidance in response to COVID-19. Where possible information has been gathered remotely, however, this has had an impact on the speed at which data can be collected. The collection and analysis of information is anticipated to be finalised by the end of July 2020.

Summary of 2019/20 year

The Enforcement Team have enjoyed a successful year by regularly exceeding performance targets without any significant diminution in the quality of work. This momentum needs to continue whilst balancing this against the other numerous demands on the Team.

There is a need to improve on the qualitative indicator of appeals performance.

The three planning application speed of determination performance indicators have been re-introduced and the criteria reflect the national indicators.

Strategic Planning and Infrastructure Committee

9 June 2020

Key Performance Indicators 2020-21

Final Decision-Maker	Strategic Planning and Infrastructure Committee
Lead Head of Service	Angela Woodhouse Head of Policy Communications and Governance
Lead Officer and Report Author	Anna Collier Policy and Information Manager and Orla Sweeney Equalities and Corporate Policy Officer
Classification	Public
Wards affected	All

Executive Summary

The Committee are asked to consider new key performance indicators that measure achievement of the Council's priorities for 2020-21.

Purpose of Report

Decision

This report makes the following recommendations to this Committee:

1. That the draft Key Performance Indicators for 2020-21, attached as Appendix 1, be agreed.

Timetable

Meeting	Date
Strategic Planning and Infrastructure Committee	9 June 2020

Key Performance Indicators 2020-21

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	We do not expect the recommendations will by themselves materially affect achievement of corporate priorities. However, they will support the Council's overall achievement of its aims. The performance management process monitors delivery of the Councils Strategic Plan 2019-45 and plays an important role in the achievement of corporate objectives. They also cover a wide range of services and priority areas, for example waste and recycling.	Anna Collier Policy and Information Manager
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 all cross-cutting objectives as the performance management process monitors delivery of the Councils Strategic Plan 2019-45 and plays an important role in the achievement of corporate objectives.</p>	Anna Collier Policy and Information Manager
Risk Management	The production of robust performance reports ensures that the view of the Council's approach to the management of risk and use of resources is not undermined and allows early action to be taken in order to mitigate the risk of not achieving targets and outcomes.	Anna Collier Policy and Information Manager
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 & Finance Team
Staffing	We will deliver the recommendations with our current staffing.	Anna Collier Policy and Information Manager
Legal	<i>Acting on the recommendations is within the Council's powers</i> there is no statutory duty to report regularly on the Council's performance. However, under Section 3 of the Local Government Act 1999 (as amended) a best value authority has a statutory duty to secure continuous improvement in the way in which its functions are exercised having regard to a combination of economy, efficiency and	Legal Team

	effectiveness. One of the purposes of the Key Performance Indicators is to facilitate the improvement of the economy, efficiency and effectiveness of Council Services. Regular reports on the Council's performance assist in demonstrating best value and compliance with the statutory duty.	
Privacy and Data Protection	The recommendations do not propose a change in service therefore will not require a data protection impact assessment.	Anna Collier Policy and Information Manager
Equalities	The recommendations do not propose a change in service therefore will not require an equalities impact assessment.	Anna Collier Policy & Information Manager
Public Health	We recognise that the recommendations will not negatively impact on population health or that of individuals.	Public Health Officer
Crime and Disorder	No Impact.	Anna Collier Policy and Information Manager
Procurement	No Impact.	Anna Collier Policy and Information Manager

2. INTRODUCTION AND BACKGROUND

2.1 The Council approved a new Strategic Plan in 2019-45 and agreed four new priorities:

- Embracing Growth and Enabling Infrastructure
- Safe Clean and Green
- Homes and Communities
- A Thriving Place

2.2 Indicators are reviewed at the start of each year and as there has been no changes to priorities, the set of new Key Performance Indicators for 2020-21 is predominantly the same.

2.3 Some minor changes have been made where issues have been identified during the course of 2019-20. Consideration has also been given to the Coronavirus pandemic, its impact on the borough and monitoring performance.

2.4 The Draft indicator set can be reviewed at Appendix 1, set out by priority.

Reporting

2.5 Committee have also requested in the last year that the following information is provided:

- Number of priority 1 enforcement cases dealt with in time.
- Number of priority 2 enforcement cases dealt with in time.
- Number of appeals in period.
- MBC success rate at planning appeals (rolling 6 months).

- 2.6 This can continue to be provided in the quarterly reports if Committee require it.
- 2.7 The Policy and Information team are working on developing performance dashboards over this year which will enable Members to view data outside of the reports. This is likely to be around quarter two or three, once these are progressed Officers will be in touch to trial these.

3. AVAILABLE OPTIONS

Make a recommendation to Policy and Resources Committee to stop performance monitoring

- 3.1 Though it is considered best practice, some authorities have chosen to drop performance management or produce performance data which they publish on their website.
- 3.2 This is not recommended as monitoring performance ensures oversight and challenge to the delivery of the Council's priority action areas and mitigates the risk of the Council not delivering its priorities and key services.

To keep the current set of indicators as reported in 2019-20

- 3.3 A set of indicators is currently in place and is being reported to Committees. This is not recommended, as minor amendments reflect changes over the course of the year.

To agree the draft set of indicators at appendix 1

- 3.4 Appendix 1 shows the list of proposed Key Performance indicators for 2020-21 set out by the new priorities in the Strategic Plan 2019-45. Members could also choose to increase, reduce or change any targets or amend suggest new indicators.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 To agree the draft set of indicators at appendix 1 monitoring performance is best practice to ensure the delivery of the Council's priorities. Monitoring Performance is particularly important at this time.

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. The production of robust performance reports ensures

that the view of the Council's approach to the management of risk and use of resources is not undermined and allows early action to be taken in order to mitigate the risk of not achieving targets and outcomes. 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 Performance is reported to each committee each quarter. Members often request future changes or express points of view on either the indicators or performance management generally. Notes have been taken of these for application in the current set and proposed approach.
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7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 Once the indicators are agreed Heads of Service, Managers will be informed and the reports set up in time for first reporting. The Performance and Budget report will be added to each Committees work programme for 2020-21.
-

8. REPORT APPENDICES

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

- Appendix 1: New Performance Indicators 2020-21
-

Strategic Planning, and Infrastructure Committee Draft Key Performance Indicators 2020-21

Status	Head of Service	Performance Measures	Frequency	Good Performance	2019/20 Target	2019/20 Outturn	2020/21 Target
Embracing Growth and Enabling Infrastructure							
Existing	Rob Jarman	Percentage of priority 1 enforcement cases dealt with in time	Quarterly	Aim to Maximise	N/A	100%	95%
Existing	Rob Jarman	Percentage of Priority 2 enforcement cases dealt with in time	Quarterly	Aim to Maximise	N/A	95%	90%
Existing	Rob Jarman	Number of enforcement complaints received	Quarterly	Aim to Minimise	info only	566	N/A
Existing	Rob Jarman	Number of affordable homes delivered (Gross)	Quarterly	Aim to Maximise	180	325	TBC
Existing	Rob Jarman	Affordable homes as a percentage of all new homes	Annual	Aim to Maximise	N/A	TBC	TBC
Existing	Rob Jarman	Net additional homes provided (NI 154)	Annual	Aim to Maximise	N/A	TBC	TBC
New	Rob Jarman	Processing of planning applications: Major applications (NI 157a)	Quarterly	Aim to Maximise	88.0%	91.3%	92%
New	Rob Jarman	Processing of planning applications: Minor applications (NI 157b)	Quarterly	Aim to Maximise	85.0%	98.6%	99%
New	Rob Jarman	Processing of planning applications: Other applications (NI 157c)	Quarterly	Aim to Maximise	92.0%	99.2%	99%

STRATEGIC PLANNING AND INFRASTRUCTURE COMMITTEE

9th June 2020

Local Plan Review Update

Final Decision-Maker	Strategic Planning and Infrastructure Committee
Lead Head of Service	<i>Rob Jarman, Head of Planning and Development</i>
Lead Officer and Report Author	Phil Coyne (Interim Local Plan Review Director), Mark Egerton (Strategic Planning Manager)
Classification	Public
Wards affected	<i>All</i>

Executive Summary

At the 10th March 2020 meeting of this committee, Members resolved that officers provide a short-written update at each meeting of this committee, concerning any slippage and/or progress on delivering the Local Plan Review on the timescale agreed. This report provides the requested update and seeks agreement to an Elected Member Engagement Protocol in advance of a recommendation to undertake a public consultation on the Local Plan Review that is scheduled to commence in October 2020.

Purpose of Report

Decision

This report makes the following recommendations to this Committee:

1. The content of this report be noted
2. The Committee agrees to the proposals for an Elected Member Engagement Protocol in the run-up to the public consultation on the Local Plan Review that is scheduled to commence in October 2020

Timetable

Meeting	Date
Strategic Planning and Infrastructure Committee	9 th June 2020

Local Plan Review Update

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<p><i>The four Strategic Plan objectives are:</i></p> <ul style="list-style-type: none"> <i>Embracing Growth and Enabling Infrastructure</i> <i>Safe, Clean and Green</i> <i>Homes and Communities</i> <i>A Thriving Place</i> <p>The Local Plan Review (LPR), can contribute to all four objectives. The Scoping Themes and Issues consultation document previously agreed by this Committee explains this interrelationship between the Strategic Plan objectives and the LPR.</p>	Rob Jarman, Head of Planning & Development
Cross Cutting Objectives	<p><i>The four cross-cutting objectives are:</i></p> <ul style="list-style-type: none"> <i>Heritage is Respected</i> <i>Health Inequalities are Addressed and Reduced</i> <i>Deprivation and Social Mobility is Improved</i> <i>Biodiversity and Environmental Sustainability is respected</i> <p>Similarly, the relationship between these objectives and the LPR is explained in the Scoping, Themes and Issues consultation document.</p>	Rob Jarman, Head of Planning & Development
Risk Management	<i>Already covered in the risk section</i>	Rob Jarman, Head of Planning & Development
Financial	Provision has been made for the costs of delivering the local plan review within the Council's agreed budget and medium term financial plan.	Section 151 Officer & Finance Team

Staffing	<i>There are no significant staffing implications resulting from this update report</i>	Rob Jarman, Head of Planning & Development
Legal	This report does not raise any specific legal implications. More widely, the preparation of the LPR is governed by specific legislation and regulations and informed by national planning policy and guidance. Legal advice on specific matters is obtained from MKLS and/or counsel as the LPR is progressed and this is incorporated.	Cheryl Parks, Mid Kent Legal Services (Planning)
Privacy and Data Protection	This report does not raise any specific privacy/data protection issues at this stage.	Equalities and Corporate Policy Officer
Equalities	No implications identified as part of this report and recommendations. An impact assessment has been undertaken. This is a live document that is revisited as the review progresses.	Equalities and Corporate Policy Officer
Public Health	The LPR will have, or has the potential to have, a positive impact on population health and that of individuals.	[Public Health Officer]
Crime and Disorder	The LPR can potentially have a positive impact on crime and disorder.	Rob Jarman, Head of Planning & Development
Procurement	This report does not raise any specific procurement issues at this stage.	Rob Jarman, Head of Planning & Development & Section 151 Officer

1. INTRODUCTION AND BACKGROUND

1.1 At the 10th March 2020 meeting of this committee, Members resolved that officers provide a short-written update at each meeting of this committee, concerning any slippage and/or progress on delivering the plan on the timescale agreed. This report provides the requested update.

1.2 In addition, this report contains a proposed Elected Member Engagement Protocol. The protocol sets out the ways in which Members can be involved and briefed on emerging proposals in the run up to the public consultation

on the Local Plan Review that is scheduled to commence in October 2020, subject to agreement of Members to a preferred spatial strategy.

Local Plan Review Update

- 1.3 The consultation in October 2020 will seek to set out the main components of future growth associated with the Local Plan Review, including growth in housing, employment and retail and where this would occur. It will also consider the main matters that impact on that growth, including transport and other forms of infrastructure as well as environmental designations. It will seek to include a preferred spatial approach to accommodating the growth, along with 'reasonable alternatives' that have been tested, as required by government guidance. Associated evidence that has informed and will be used to support these matters will also be presented.
- 1.4 As part of this process, it will be apparent which of the assessed sites are most likely to be in a position to contribute to the overall preferred approach. However, there will still be a significant amount of work required to finalise the preferred strategy as the Local Plan Review moves toward draft Plan document stage, and detailed discussions with infrastructure providers will be one of the factors that play a vital role in this regard.
- 1.5 In preparation for this and future Local Plan Review outputs a number of work streams are of note:
 - Topic Papers dealing with the levels and components of growth set out in paragraph 1.3 and the matters that impact on that growth are being drafted to provide evidence for the approaches. The topic papers consider a significant number of factors that influence the approaches, including legislation and government guidance, assessments of need and approaches taking in key strategies, such as the Council's Strategic Plan (2019-2045). They will therefore also summarise and justify the preferred approaches and reasonable alternatives
 - Analysis of supply of sites, including the call for sites exercise submissions and current and future land supply, is ongoing. This will lead to the creation of a Strategic Housing Land Availability Assessment
 - First stage transport modelling has commenced to identify the potential impacts of growth on the highway network and the potential level of mitigation that will need to be considered
 - An iterative process of sustainability appraisal of the levels and components of growth is ongoing by specialist consultants.
 - Consultants have been appointed to undertake a Strategic Flood Risk Assessment to understand the constraints that flood risk would have on new development and the overall implications that new development may have in this regard
 - Consultants have been appointed to undertake a two-stage process of assessing submissions for potential garden communities, with the first stage having been undertaken and the second stage now underway

Elected Member Engagement Protocol

- 1.6 Several the above workstreams will feed into the process of creating a series of documents that are scheduled to be published in October 2020 for public consultation. This includes a Local Plan Review Preferred Approaches Paper that sets out the above information and the matters that influence all approaches set out therein, evidence of the sites and garden communities that may contribute to the future spatial strategy, and initial findings from transport modelling and sustainability appraisal.
- 1.7 Given the nature of this public consultation and the scale and complexity of the work involved, it is proposed to undertake a series of Elected Member engagement exercises over the summer period. The purpose of the engagement exercises will be to ensure that Members have the opportunity to be involved and briefed on emerging proposals and supporting evidence, per the summary set out in paragraph 1.3, in the run up to the public consultation exercise. The overall anticipated timetable is as follows:
- Briefing of Strategic Planning and Infrastructure Committee Chair and Vice-Chair – 3rd week in July 2020
 - Strategic Planning and Infrastructure Committee Workshop – 1st week in August 2020
 - All-Member session – 2nd week in August
 - Further Strategic Planning and Infrastructure Workshop – 1st week in September 2020
 - (Strategic Planning and Infrastructure Committee meeting – 6th October 2020)
- 1.8 Despite the tight timeline, it is hoped that these proposals will provide Members with adequate opportunities to engage in the emerging proposals and supporting evidence, per the summary set out in paragraph 1.3 prior to the 6th October 2020 Strategic Planning and Infrastructure Committee meeting and the scheduled public consultation that is due to commence later in that month. It is anticipated that the public consultation will take place from Friday 30th October 2020 and finish 6 weeks later on Sunday 13th December 2020.
-

2 AVAILABLE OPTIONS

- 2.1 Committee is being asked to note the content of this report in terms of progress in assembling the evidence base for the Local Plan Review and to agree the proposals for an Elected Member Engagement Protocol in the run-up to the public consultation on the preferred spatial options for development component of the Local Plan Review that is scheduled to commence in October 2020
- 2.2 Alternatively, Members may choose to reject or revise the Elected Member Engagement Protocol. However, to follow this option, Members should be mindful of the tight timescales leading towards the October consultation and the need to ensure Members are aware of the emerging proposals.
-

3. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 3.1 It is recommended that Members note the content of this report and agree the proposals for and Elected Member Engagement Protocol in the run-up to the public consultation on the Local Plan Review that is scheduled to commence in October 2020. The options afford Members the opportunity to engage in the process prior to Strategic Planning and Infrastructure Committee on 6th October 2020 whilst seeking to ensure that the Local Plan Review proceeds in accordance with the timetable contained in the published Local Development Scheme.

4. RISK

- 4.1 This report itself has no specific risk management implications and the risks associated with the Local Plan Review programme are contained within a strategic risk assessment. The Elected Member Engagement Protocol allows for involvement of Members in the run-up to public consultation that is scheduled for October 2020, keeping within the timescales contained within the published Local Development Scheme timetable.

Strategic Planning and Infrastructure Committee

9 June 2020

Maidstone Statement of Community Involvement Covid-19 Temporary Addendum May 2020

Final Decision-Maker	Strategic Planning and Infrastructure Committee
Lead Head of Service	Rob Jarman, Head of Planning and Development
Lead Officer and Report Author	Anna Ironmonger, Planning Officer, Strategic Planning and Helen Smith, Principal Planning Officer, Strategic Planning
Classification	Public
Wards affected	All wards

Executive Summary

The Council is required under the Planning and Compulsory Purchase Act 2004 (as amended) to prepare a Statement of Community Involvement. The Statement of Community Involvement 2018 (SCI) is a Local Plan document that outlines when and how stakeholders and the local community can get involved in the planning system (see background document 1). The SCI can be found as a background document to this report. The local plan and neighbourhood planning process rely on people being able to inspect copies of key documents. Due to the Covid-19 pandemic new legislation and guidance has been issued by the government (Background documents 2 and 3). The new legislation and guidance will have an impact on how people will be able to engage in the planning system. Notably the use of public space to hold hearings or to view consultation material. It is proposed to make temporary alterations to the Statement of Community Involvement to address the situation in the form of an addendum. The Maidstone Statement of Community Involvement Covid-19 Addendum May 2020 (The Addendum) can be found at Appendix 1.

Purpose of Report

Decision

This report makes the following recommendations to this Committee:

1. The Maidstone Statement of Community Involvement Covid-19 Temporary Addendum May 2020 is approved for immediate publication; and
2. Any further SCI 2018 amendments related specifically to Covid-19 can be approved by the Head of Planning and Development under his Constitutional delegated authority.

Timetable	
<i>Meeting</i>	<i>Date</i>
Strategic Planning and Infrastructure	9 th June 2020

Maidstone Statement of Community Involvement Covid-19 Temporary Addendum May 2020

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	We do not expect the recommendations will by themselves materially affect achievement of corporate priorities. The Statement of Community Involvement outlines the consultations methods used in the development of Local Plans, SPDs and Neighbourhood Plans. This means it will assist in the delivery of the Council's four strategic objectives (see section 3).	Head of Planning and Development
Cross Cutting Objectives	The report recommendation(s) supports the achievement(s) of all four cross cutting objectives as the Local Plan Review has consideration for the cross-cutting objectives.	Head of Planning and Development
Risk Management	Already covered in the risk section	Head of Planning and Development
Financial	There is provision in the budget for preparation of the Statement of Community Involvement. No additional budget provision is required arising from the addendum proposed in this report.	Section 151 Officer & Finance Team
Staffing	We will deliver the recommendations with our current staffing.	Head of Planning and Development
Legal	Accepting the recommendations will fulfil the Council duties under the Planning and Compulsory Purchase Act 2004 (as amended) and the Planning Guidance issued by the Government in response to the Covid-19 pandemic.	Russell Fitzpatrick (MKLS (Planning) Team Leader
Privacy and Data Protection	The recommendations will not have any implications for the volume of data held by the Council.	Anna Collier Policy and Information Manager
Equalities	The Council has a responsibility to follow government advice on Covid-19 and amend its procedures accordingly. The Council will proactively support any residents who would rely on onsite viewing and cannot access the	Anna Collier Policy and Information Manager

	documents in any other way.	
Public Health	The Council has a responsibility to follow government advice on Covid-19 and amend its procedures accordingly.	Public Health Officer
Crime and Disorder	There are no implications for Crime and Disorder	Head of Planning and Development
Procurement	There are no procurement requirements	Head of Planning and Development & Section 151 Officer

2. INTRODUCTION AND BACKGROUND

- 1.1 The Council is required under the Planning and Compulsory Purchase Act 2004 (as amended) to prepare a Statement of Community Involvement which outlines when and how people can get involved in the planning system. The Statement of Community Involvement 2018 (SCI 2018) was approved by Strategic Planning, Sustainability and Transportation committee on 4th December 2018 and came into effect the same day (background document 1).
- 1.2 A local planning authority can make changes to their Statement of Community Involvement without consultation (background document 2). A series of amendments have been made to the SCI 2018, with the most recent set published on the Council's website in May 2020. The changes are outlined in an SCI addendum found at background document 4 but have been summarised below:
1. Delete reference to the use of Facebook and Twitter in Table 1 (Local Plans) and Table 2 (Supplementary Planning Documents)
 2. Clarification that once a Neighbourhood Plan has been through a successful referendum, the plan becomes part of Maidstone Development Plan
 3. Clarification of engagement and consultation methods used in Neighbourhood Plans

Coronavirus and the impact on the Statement of Community Involvement

- 1.3 The Government has published guidance to help prevent the spread of coronavirus (Covid-19). As a result, the way in which people are able to engage in the planning system, such as the Local Plan process and Neighbourhood Planning, will be impacted.
- 1.4 The Planning Practice Guidance (background document 2) outlines that where policies in a Statement of Community Involvement cannot be complied with due to Covid-19, the local planning authority is encouraged to undertake an immediate review and update, thus allowing plan-making to

continue. To ensure that the SCI 2018 complies with the current Government guidance, an addendum of temporary changes has been produced. Maidstone Statement of Community Involvement Covid-19 Addendum May 2020 can be found at Appendix 1. It is expected that these changes will only be necessary whilst national restrictions relating to Covid-19 are in place.

What are the proposed changes to the Statement of Community Involvement and reasons why?

Local Plan Review

- 1.5 The next key stage of the Local Plan Review is a public consultation on the preferred approaches (Regulation 18b), scheduled to take place in October 2020.
- 1.6 Under the current SCI 2018, documents are to be made available to view online and at inspection points throughout the various stages of the Local Plan Review. However, under current Government guidance people will no longer be able to view physical copies of consultation material at the specified inspection points. The revised PPG (background document 2) outlines that online engagement methods, such as making the documents available to view online and the use of social media, are strongly encouraged. The temporary Addendum will therefore state that the option to view material at physical inspection points is temporarily unavailable and advise that documents can be viewed online at Regulations 18, 19, 22-25, and 26.
- 1.7 The PPG also advises that authorities need to consider alternative and creative ways to engage those sections of the community without access to the internet and take reasonable steps to ensure their involvement. One such way is through representative groups or nominated advocates to share views on individuals' behalf. In addition to the general public and statutory consultees, who include Parish Councils and Neighbourhood Forums, the Council is already committed through the SCI 2018 to engaging with hard to reach groups and local stakeholder groups where appropriate and relevant. This will continue as well as consideration being given to holding online events where requested by a group or organisation where it is reasonable and practicable to do so.

Supplementary Planning Documents (SPD)

- 1.8 The Affordable and Local Needs Housing SPD is due to go to this committee for approval to adopt in July 2020. The SCI 2018 does not require an SPD to be made physically available at any inspection points at the adoption stage (Regulation 14).
- 1.9 That said, under the current SCI 2018, documents are to be made available to view online and at inspection points during the public consultation stage of Supplementary Planning Document production (Regulation 12). As outlined in paragraph 1.6 above, access to inspection points will be temporarily unavailable whilst the current Covid-19 restrictions remain in

place. The temporary Addendum will therefore state that the option to view material at physical inspection points is temporarily unavailable and advise that documents can be viewed online at Regulation 12.

- 1.10 In addition, the Council will also continue to engage with hard to reach groups and local stakeholder groups where appropriate and relevant, as per current SCI 2018 commitments and paragraph 1.7 above.

Neighbourhood Planning

- 1.11 The Marden Neighbourhood Plan is in the final stages of production, with only two steps remaining. First, following the successful referendum this Committee must recommend to Council that the Neighbourhood Plan be 'made' (see report elsewhere in this agenda). Following a decision to make the plan, in line with the Neighbourhood Planning Protocol, a decision notice will be placed at inspection points. It is then for Council to formally make the plan, at which point the plan and adoption notice are placed at inspection points. However, it is not just this final stage that will be impacted by the current Covid-19 restrictions. Measures will be taken to ensure everyone can access the document and other material. The temporary Addendum will therefore state that the option to view material at physical inspection points is temporarily unavailable and advise that documents can be viewed online at Regulations 16, 19 and 20. Officers will advise parish councils/neighbourhood forums to adopt a similar approach for Regulation 14 consultation arrangements, which are the responsibility of these bodies.
- 1.12 The Lenham Neighbourhood Plan is at examination stage. The guidance provided by the Government on the impacts to Neighbourhood Planning of Covid-19 (background document 3) outlines that examination by written representation is the favoured method. However, if the examiner considers that oral representations are required, video conferencing or other suitable technologies should be used as an alternative to face-to-face hearings. This point is clarified in the temporary Addendum with amendments to Regulations 17-18.
- 1.13 In addition, any neighbourhood plan referendums will be postponed until 6th May 2021, in line with the [Local Government and Police and Crime Commissioner \(Coronavirus\) \(Postponement of Elections and Referendums\) \(England and Wales\) Regulations 2020](#).
- 1.14 The Neighbourhood Planning Protocol provides more detail of the consultation stages involved in Neighbourhood Planning. Subsequent to the temporary changes to the SCI 2018 in response to the Covid-19 guidance, further temporary changes to the Protocol will be required. A report will be presented to this committee in July.

Wider implications for Planning

- 1.15 The SCI 2018 sets out the consultation methods used as part of the planning application process. These processes have been assessed by colleagues in Development Management against the Government's advice. It is considered that no changes are required at this time.

Summary

- 1.16 The SCI 2018 is a statutory planning document which the Council is required to prepare by legislation and is part of the Local Plan. It reflects the regulatory requirements and also sets out the Council's complementary measures. In order to continue to effectively engage with the community throughout the plan-making process whilst adhering to the government's latest Covid-19 guidance, a series of temporary changes to the SCI 2018 are proposed in the form of a temporary Addendum. These changes are necessary as failure to comply with the requirements of the SCI could result in legal challenges being brought, which would impact on the weight applied to planning policy decisions in planning decisions.
- 1.17 The SCI falls within the delegated authority of the Head of Planning and Development. In this instance, he has elected not to use his delegated authority, but as outlined the Planning Guidance it is best practice to inform the public of any changes made to the SCI. The Committee is therefore asked to approve for publication with immediate effect the temporary changes to the SCI 2018 in the form of the Temporary Addendum (Appendix 1). In the interest of expedience, the committee is also asked to agree that any further SCI 2018 amendments related specifically to Covid-19 can be approved by the Head of Planning and Development under his Constitutional delegated authority.
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3. AVAILABLE OPTIONS

- 3.1 Option A: The Committee approves the Maidstone Statement of Community Involvement Covid-19 Temporary Addendum May 2020 for publication and agrees that any further SCI 2018 amendments related specifically to Covid-19 can be approved by the Head of Planning and Development under his Constitutional delegated authority. The Council is required under the Planning and Compulsory Purchase Act 2004 (as amended) to prepare a Statement of Community Involvement. The recent Planning Guidance issued by the Government in response to the Covid-19 pandemic outlines that the local planning authority is encouraged to undertake an immediate review and update where policies in the SCI cannot be complied with. The Addendum will provide clarification on how engagement and consultation will continue throughout the continued development of Local Plans, SPDs and Neighbourhood Plans. The Local Plan Review, SPDs and Neighbourhood Plans assist in the delivery of the Council's four strategic objectives and cross-cutting objectives.
- 3.2 Option B: The Committee approves the Maidstone Statement of Community Involvement Covid-19 Temporary Addendum May 2020 for publication and agrees that any further SCI 2018 amendments related specifically to Covid-19 should be brought back to this committee for approval.
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4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 The preferred option is Option A outlined in paragraph 3.1. By agreeing to make changes to the SCI 2018 and allow modifications to be made in the future under delegated authority the Council is able to provide clarity on the ever changing Covid-19 situation.
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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. Consideration is shown in this report at paragraphs 1.16, 1.17, and 3.1. 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 Previous changes have been made to the Statement of Community Involvement and can be found on the website. Changes to the Statement of Community Involvement do not require a period of consultation.
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7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 The Maidstone Statement of Community Involvement Covid-19 Addendum May 2020 will be published on the website. Should the need for further changes arise, modifications will be published on the website.
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8. REPORT APPENDICES

Appendix 1: Maidstone Statement of Community Involvement Covid-19 Addendum May 2020

9. BACKGROUND PAPERS

Background document 1: Statement of Community Involvement (2018)

https://maidstone.gov.uk/_data/assets/pdf_file/0008/266525/Statement-of-Community-Involvement.pdf

Background document 2: Planning Guidance – Plan making

<https://www.gov.uk/guidance/plan-making>

Background document 3: Planning Guidance – Neighbourhood planning

<https://www.gov.uk/guidance/neighbourhood-planning--2>

Background document 4: Maidstone Statement of Community Involvement 2018
Addendum May 2020

<https://localplan.maidstone.gov.uk/home/documents/local-plan-review-documents/lpr-progress/Draft-Addendum-for-SCI-V3.pdf>

Maidstone Statement of Community Involvement Covid 19 Temporary Addendum

May 2020

Corrections were made to the Maidstone Statement of Community Involvement in May 2020 and can be found here:

<https://localplan.maidstone.gov.uk/home/documents/local-plan-review-documents/lpr-progress/Draft-Addendum-for-SCI-V3.pdf>

The following temporary changes are made in addition those above as a result of changes to national legislation and guidance in response to the Covid-19 Pandemic.

Paragraph 20 of the SCI identifies a number of methods that may be used when consulting the public during plan making. It makes clear that the breadth of consultation and the methods used to contact the public will depend on the type of plan and its stage of consultation. The corrections comply with regulatory requirements for local plans and neighbourhood plans.

1. Paragraph 20: Consultation methods – amend point 3 to say “Inspection points – **Temporarily unavailable**”.
2. Table 1: Engagement and consultation methods for Local Plans – remove the reference in Regulation 18 to ‘material placed at inspection points’ and replace with ‘**The option to view material at inspection points is temporarily unavailable. Material can be viewed online.**’
3. Table 1: Engagement and consultation methods for Local Plans – remove the reference in Regulation 19 to material placed at inspection points’ and replace with ‘**The option to view material at inspection points is temporarily unavailable. Material can be viewed online.**’
4. Table 1: Engagement and consultation methods for Local Plans – remove both references in Regulation 22-25 to material placed at inspection points’ and replace with ‘**The option to view material at inspection points is temporarily unavailable. Material can be viewed online.**’
5. Table 1: Engagement and consultation methods for Local Plans – remove the reference in Regulation 26 to material placed at inspection points’ and replace with ‘**The option to view material at inspection points is temporarily unavailable. Material can be viewed online.**’
6. Table 2: Engagement and consultation methods for Supplementary Planning Documents – remove the reference in Regulation 12 to material placed at inspection points’ and replace with ‘**The option to view material at inspection points is temporarily unavailable. Material can be viewed online.**’

7. Table 3: Engagement and consultation methods for Neighbourhood Development Plans – remove the reference in Regulation 16 to 'material placed at inspection points' and replace with '**The option to view material at inspection points is temporarily unavailable. Material can be viewed online.**'
8. Table 3: Engagement and consultation methods for Neighbourhood Development Plans – amend Regulations 17 to 18 to say 'The Examiner determines whether a hearing is necessary and, if so, sets the agenda and decides who will be invited to attend. **During the response to the Coronavirus, examinations should be conducted by written representations, or if a hearing is necessary, video conferencing should be used.**'
9. Table 3: Engagement and consultation methods for Neighbourhood Development Plans – amend Regulations 19 to 20 to say "**The option to view material at inspection points is temporarily unavailable. Material can be viewed online.** Notify the PC or NF..."

Agenda Item 18

Strategic Planning and Infrastructure Committee

9 June 2020

Marden Neighbourhood Plan (Regulation 19)

Final Decision-Maker	Full Council
Lead Head of Service	Rob Jarman, Head of Planning and Development
Lead Officer and Report Author	Anna Ironmonger, Planning Officer, Strategic Planning
Classification	Public
Wards affected	Marden & Yalding; Coxheath & Hunton; Staplehurst; Boughton Monchelsea & Chart Sutton

Executive Summary

This committee resolved on 19th November 2019 that the Marden Neighbourhood Plan, subject to modifications, should proceed to referendum (background document 1). The referendum was held on 27th February 2020 and was successful with 90.4% voting in favour of the neighbourhood plan (background document 2). Under Section 38A(4) of the Planning and Compulsory Purchase Act 2004, where more than half of those who voted, vote in favour of a neighbourhood plan, the plan must be made (adopted) by the Council within 8 weeks. Due to Covid-19 the April meetings of SPI and Full Council were cancelled, meaning that the Council was unable to meet its deadline. Agreement to postpone the decision was gained from the Parish Council. This is therefore the first opportunity for this report to be considered by the Committee. This Committee is asked to consider the referendum result, and in accordance with the agreed Neighbourhood Planning Protocol, make a recommendation to Full Council that the Neighbourhood Plan is made (adopted). Following a successful referendum, the Marden Neighbourhood Plan becomes part of the Development Plan for Maidstone (Section 38 (3A) of the Planning and Compulsory Purchase Act 2004).

Purpose of Report

Decision

This report makes the following recommendations to this Committee:

1. The result of the referendum held on 27th February 2020 on the Marden Neighbourhood Plan be noted.
2. Council be recommended to make the Marden Neighbourhood Plan.

Timetable

Meeting	Date
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Strategic Planning and Infrastructure	9 th June 2020
Council	15 th July 2020

Marden Neighbourhood Plan (Regulation 19)

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	We do not expect the recommendations will by themselves materially affect achievement of corporate priorities. Section 38(3A) of the Planning and Compulsory Purchase Act 2004 outlines that once a neighbourhood plan is approved at referendum it comes into force as part of the statutory development plan. This means it will assist in the delivery of the Council's four strategic objectives (see section 3).	Head of Planning & Development
Cross Cutting Objectives	Following the successful referendum result, the Marden Neighbourhood Plan is part of the Maidstone Development Plan. It will therefore assist in the delivery of all four cross-cutting objectives.	Head of Planning & Development
Risk Management	Already covered in the risk section	Head of Planning & Development
Financial	The costs for referendum and adoption of neighbourhood plans are borne by the Borough Council. There is a dedicated budget for this purpose, funded by MHCLG neighbourhood planning grants. The Council will apply for £20,000 from MHCLG due to costs incurred.	Section 151 Officer & Finance Team
Staffing	We will deliver the recommendations with our current staffing.	Head of Planning & Development
Legal	Accepting the recommendations will fulfil the Council duties under the Town and Country Planning Act 1990 (as amended), and the Neighbourhood Planning (General) Regulations 2012 (as amended). The statutory duty under the Planning and Compulsory Purchase Act 2004 to make the plan within 8 weeks of a successful referendum cannot be met owing to the extenuating circumstances stemming from the Covid-19 pandemic. It is, however, considered that the risks of non-compliance by the Council are low, since the plan, post referendum, already forms part of the development plan for the borough and it is not anticipated that anyone	Cheryl Parks, Mid Kent Legal Services (Planning)

	will be unduly affected by the delay in making this decision.	
Privacy and Data Protection	The recommendations will not have any implications for the volume of data held by the Council.	Policy and Information Team
Equalities	The Council has a responsibility to support in developing a Neighbourhood Plan. The Neighbourhood Plan process provides an opportunity for communities to develop an inclusive plan that meets the needs of its population.	Equalities and Corporate Policy Officer
Public Health	We recognise that the recommendations will have a positive impact on population health or that of individuals.	Public Health Officer
Crime and Disorder	There are no implications for Crime and Disorder	Head of Planning & Development
Procurement	There are no procurement requirements	Head of Planning & Development & Section 151 Officer

2. INTRODUCTION AND BACKGROUND

- 1.1 The Marden Neighbourhood Plan has reached the final stage of the Neighbourhood Planning process. The procedures for designating neighbourhood areas and preparing neighbourhood plans are set out in The Neighbourhood Planning (General) Regulations 2012 (as amended). Marden parish was designated a neighbourhood area on 14th January 2013. The Neighbourhood Plan was subject two rounds of mandatory consultation. Firstly, the parish council undertook a 6-week public consultation on the pre-submission version of the Marden Neighbourhood Plan (Regulation 14) between 9th June and 21st July 2018. Secondly, Maidstone Borough Council facilitated a further 6-week public consultation (Regulation 16) between 14th June and 26th July 2019. In accordance with the agreed neighbourhood planning protocol, the Council submitted representations during both consultations: the first under the delegated authority of the Head of Planning and Development, and the second by agreement of this Committee at its meeting of 9th July 2019.
- 1.2 The appointment of an independent examiner was agreed with the Parish Council, and Derek Stebbing (of Intelligent Plans and Examinations) was appointed through the Council's procurement waiver signed by the Director of Finance and Business Improvement. The Marden Neighbourhood Plan and supporting documents, together with all representations received, were forwarded to the examiner who dealt with the examination through written representations, concluding that a public hearing was not necessary. In the

examiner's report which was received on 14th October 2019, the examiner's recommendation was that, subject to modifications, the Marden Neighbourhood Plan should proceed to referendum.

- 1.3 In line with the Neighbourhood Planning (General) Regulations and the locally adopted Neighbourhood Planning Protocol, this committee made a decision on 19th November 2019 that the Marden Neighbourhood Plan, subject to modifications, should proceed to referendum. The Marden Neighbourhood Plan is attached as background document 1 of this report.
- 1.4 The referendum was held on 27th February 2020. Voters were asked "Do you want Maidstone Borough Council to use the Neighbourhood Plan for Marden to help it decide planning applications in the neighbourhood area?". In total, 90.4% voted in favour of the neighbourhood plan (background document 2). There was a turnout of 26.8%.
- 1.5 This Committee can decide not to recommend that Council make the Marden Neighbourhood Plan if to do so would breach or otherwise be incompatible with, any EU obligation or an of the convention rights. The Neighbourhood Plan's compatibility with EU obligations and directives is testing during the examination process and cannot proceed to referendum otherwise. Unless there are any new matters in relation to this point which the Committee considers were not raised by the Examiner then the Council is under a statutory duty to make the plan following the "Yes" result. It is officers' view that there no such matters arising.
- 1.6 Following a successful referendum, i.e. where more than half of those who voted, cast a vote in favour of a neighbourhood plan, the Council must make (adopt) a neighbourhood plan within 8 weeks in line with Section 38A(4) of the Planning and Compulsory Purchase Act 2004 and Neighbourhood Planning (General) Regulations 2012 (Regulation 18A). Section 38(3A) of the Planning and Compulsory Purchase Act 2004 outlines that once a neighbourhood plan is approved at referendum it comes into force as part of the statutory development plan. This means that the Marden Neighbourhood Plan will now be used in the consideration of planning applications in Marden.
- 1.7 The Neighbourhood Planning Protocol is used alongside the Statement of Community Involvement. In response to government guidance a Statement of Community Involvement Covid-19 Temporary Addendum has been produced which outlines how the Neighbourhood Planning process will be impacted as a result. This can be found elsewhere in this agenda. The committee system has also been impacted by Covid-19, with the April meetings of SPI and Full Council being cancelled and postponement the decision was agreed by the Parish Council.
- 1.8 This is therefore the first opportunity that the Committee has had to consider the results of the referendum of the Marden Neighbourhood Plan. The Committee is asked to consider the referendum result, and in accordance with the agreed Neighbourhood Planning Protocol, make a recommendation to Full Council that the Neighbourhood Plan is made (adopted). The Neighbourhood Planning Protocol Update will be discussed elsewhere on this agenda.

3. AVAILABLE OPTIONS

- 3.1 Option A: The Committee recommends to Full Council on 15th July 2020 that the Marden Neighbourhood Plan is made. The Planning and Compulsory Purchase Act 2004 outlines that once a neighbourhood plan is approved at referendum it comes into force as part of the statutory development plan. The development plan will assist in the delivery of the Council's strategic objectives. Taking the decision to a later meeting of Full Council will further delay the formal adoption of the Marden Neighbourhood Plan and therefore mean that the Council would be in breach of its requirement under Section 38A(4) of the Planning and Compulsory Purchase Act 2004 and Neighbourhood Planning (General) Regulations 2012 (Regulation 18A) to make the neighbourhood plan within 8 weeks of the referendum date. Whilst the 8 week period has already expired, and as set out in this report, the delays to date owing to the Covid-19 pandemic are considered to be acceptable given the restrictions imposed. Any further delay, now that regulations have been introduced and virtual meetings have commenced, is unlikely to be held to be reasonable.
- 3.2 Option B: The Committee decides not to recommend to Full Council that the Marden Neighbourhood Plan is made. This would be in breach of Section 38A(4) of the Planning and Compulsory Purchase Act 2004 and Neighbourhood Planning (General) Regulations 2012 (Regulation 18A) which is outlined in paragraphs 1.4, 1.5 and 1.6, unless there are reasons for doing so as set out in paragraph 1.5 of this report.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 The preferred option is Option A outlined in paragraph 3.1. The result of the referendum illustrates a very strong level of support amongst those who voted for the Marden Neighbourhood Plan. There are no clear reasons for not doing so and statute is clear as to the requirement to make the plan in such circumstances.
- 4.2 Not making the Marden Neighbourhood Plan would mean the Council is acting in conflict with the Planning and Compulsory Purchase Act 2004 and Neighbourhood Planning (General) Regulations 2012.

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. Consideration is shown in this report at paragraphs 1.5, 3.1 and 3.2. 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 The Marden Neighbourhood has been through two rounds of public consultation known as Regulation 14 (pre-submission consultation) and Regulation 16 (submission consultation). The Committee considered the Marden Neighbourhood Plan at the Regulation 16 Consultation stage. The Neighbourhood Plan has also been considered by this committee in November 2019 after the receipt of the Examiner's report and recommendations.
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7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 A recommendation will be taken to Full Council on 15th July 2020. Following a decision from Full Council to make the Marden Neighbourhood Plan, the decision and the Plan will be published on the website and the relevant bodies will be notified.
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8. REPORT APPENDICES

None

9. BACKGROUND PAPERS

Background document 1 – Marden Neighbourhood Plan

<https://localplan.maidstone.gov.uk/home/documents/neighbourhood-plans/MNP-Amended-November-2019-v4.pdf>

Background document 2 – Referendum result

<https://localplan.maidstone.gov.uk/home/neighbourhood-planning>