

Strategic Planning, Sustainability and Transportation Committee

10 November
2015

Is the final decision on the recommendations in this report to be made at this meeting?

No

Local Development Scheme 2014-2017

Final Decision-Maker	Council
Lead Director or Head of Service	Rob Jarman, Head of Planning and Development
Lead Officer and Report Author	Rob Jarman, Head of Planning and Development, and Sue Whiteside, Principal Planning Officer
Classification	Non-exempt
Wards affected	All wards

This report makes the following recommendations to the final decision-maker:

1. That Council is recommended to adopt the Local Development Scheme (attached at Appendix A) and agree that the Scheme comes into effect on the date of adoption.

This report relates to the following corporate priorities:

- Keeping Maidstone Borough an attractive place for all
- Securing a successful economy for Maidstone Borough

Timetable	
<i>Meeting</i>	<i>Date</i>
Strategic Planning, Sustainability and Transportation Committee	10 November 2015
Council	9 December 2015

Local Development Scheme 2014-2017

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 To consider the revision of Maidstone's Local Development Scheme 2014-2017 (attached as Appendix A) and to recommend that Council adopts the Scheme. The Local Development Scheme sets out the programme for the production of the Maidstone Borough Local Plan, from Publication for consultation in February/March 2016, through submission and examination, to an estimated adoption date in March 2017.
 - 1.2 Having considered the views of the community on the content of the Maidstone Borough Local Plan, the next step is to consult on its preparation process: whether the local plan has met legal requirements and meets the tests of soundness.
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2. INTRODUCTION AND BACKGROUND

- 2.1 The council is required to produce a Local Development Scheme (LDS), which sets out the range of local plans it is proposing to prepare over a minimum three year period. There is no requirement to include a programme for the production of Supplementary Planning Documents (SPD) but, historically, the council has identified the key SPDs needed to deliver the detail of higher tier policies. Local authorities are charged with keeping their LDS up-to-date and to review its progress through annual monitoring reports.
- 2.2 The council's current Scheme was adopted in 2013 following the decision to combine the preparation of two local plans (Core Strategy and Development Delivery) into a single Maidstone Borough Local Plan. Local plans are prepared in accordance with planning regulations¹ and a partial consultation (Regulation 18) on the local plan was programmed for autumn 2013. However, further work proved necessary to supplement the evidence base that underpins the local plan, so a full draft Maidstone Borough Local Plan was published for Regulation 18 consultation between March and May 2014.
- 2.3 Since May 2014, the representations received together with additional potential development sites, which were submitted through a further call for sites, have been considered through a series of meetings of the Strategic Planning, Sustainability and Transportation Committee (and the former Planning, Transport and Development Overview & Scrutiny Committee and Cabinet). Account has also been taken of the council's newly published evidence base documents and changes to national policy and guidance that may impact on the policies of the local plan.
- 2.4 A partial Regulation 18 consultation was undertaken during October 2015 which focused on new and deleted policies and site allocations, together with key

¹ The Town and Country Planning (Local Planning) (England) Regulations 2012

amendments to policies and site allocations. Approved amendments arising from the 2014 public consultation together with recommended changes resulting from the 2015 public consultation will be incorporated into the Publication version of the Maidstone Borough Local Plan (Regulation 19), which will be presented to the Committee on 12 January 2016 and to Council on 25 January 2016. Having considered the views of the public and other bodies on the content of the local plan, the next step is the Publication of the proposed submission version of the local plan, when the consultation stage (Regulation 19) is focused on whether the plan has been prepared in accordance with legal requirements and it meets the tests of soundness.

- 2.5 The programme for the production of the Maidstone Borough Local Plan is set out below. Once the local plan has been submitted to the Secretary of State for examination the timetable is in the hands of the Planning Inspectorate. Although the Inspectorate has given an indication of timescales, the programme will ultimately depend on the volume and complexity of the issues raised by respondents. Further, if there are main modifications to the plan following examination, the modifications will be subject to consultation which will add approximately three months to the adoption date.
- 2.6 Of particular importance to the local plan programme is the Written Statement made by the Minister of State for Housing and Planning on 21 July 2015. The statement makes clear that in cases where local plans have not been produced by early 2017 (5 years after the publication of the National Planning Policy Framework), the government will “intervene to arrange for the Plan to be written, in consultation with local people, to accelerate the production of a Local Plan”. The timetable set out below will enable the council to retain ownership of the production of its local plan.

Maidstone Borough Local Plan Stage	Timetable
Publication consultation (Regulation 19)	12 February to 30 March 2016
Submission to the Secretary of State (Regulation 22)	May 2016
Hearing sessions (Regulation 24) – estimate	September 2016
Adoption (Regulation 26) – estimate	March 2017

- 2.7 A suite of Supplementary Planning Documents (SPD) to expand or add detail to the higher tier policies in the Maidstone Borough Local Plan will be required following the plan’s adoption. The SPD process is quicker than that for local plans because they are not subject to examination, although must be taken through public consultation. Three SPDs have previously been agreed as a priority in the adopted LDS: Parking Standards, Landscape Character Guidelines, and Affordable Housing and Local Needs Housing. This list is still relevant, and further SPDs agreed by the Committee will be added to this list over time.

3. AVAILABLE OPTIONS

- 3.1 Option 1: The Committee recommends that Council adopts the Local Development Scheme 2014-2017 (attached at Appendix A) and that the

Scheme comes into effect on the date of adoption. This will ensure the council has an adequate resolution to adopt its Local Development Scheme in advance of Publication and Submission of the Maidstone Borough Local Plan to the Secretary of State for examination.

- 3.2 Option 2: That the Local Development Scheme 2014-2017 (attached at Appendix A) is not adopted. This is not recommended because the Local Development Scheme would not be compliant with Section 15 of the Planning and Compulsory Purchase Act 2008 (as amended by Localism Act 2011). Consequently, the council would not have met its legal compliance on this matter and the Maidstone Borough Local Plan would be found unsound.
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4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 That the Committee adopts Option 1 and recommends to Council that the Local Development Scheme 2014-2017, attached at Appendix A, be adopted and that the Scheme comes into effect on the date of adoption.
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5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 Formal and informal consultation feedback has assisted the decision making process in respect of amendments to local plan policies and site allocations. Once this process is complete, the Publication version of the Maidstone Borough Local Plan will be subject to Regulation 19 consultation and Submission. A Consultation Statement, explaining how the consultation stages of the local plan have helped to develop the plan, is required to support the local plan at submission stage.
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6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 Following adoption of the Local Development Scheme 2014-17 by Council, the Scheme will be uploaded to the local plan webpage.
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7. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	The Maidstone Borough Local Plan will deliver the spatial objectives of the Sustainable Community Strategy and the Strategic Plan. It will also have regard to objectives set out in other council documents, such as the Economic Development Strategy and the Housing Strategy.	Head of Service

Risk Management	The adoption of the Maidstone Borough Local Plan will reduce the risk of inappropriate development. The LDS includes a section that reviews risk management of the programme in detail.	Head of Service
Financial	The preparation of the local plan has been fully funded as part of the council's revenue budget. Potential deficiencies that might impact on the production of the local plan will be identified at an early stage.	Section 151 Officer & Finance Team
Staffing	The team is now fully staffed and additional short-term resources have been employed to assist with consultation representations and preparation of the Publication version of the local plan.	Head of Service
Legal	A resolution by Council to adopt the Local Development Scheme will ensure that the Scheme meets legal requirements and supports a sound local plan.	Kate Jardine, Team Leader (Planning), Mid Kent Legal Services
Equality Impact Needs Assessment	None identified	Clare Wood, Policy & Information Officer
Environmental/Sustainable Development	The Local Plan is fundamentally concerned with delivering sustainable development objectives.	Head of Service
Community Safety	N/A	Head of Service
Human Rights Act	N/A	Head of Service
Procurement	Consultants are used to prepare specialist or technical evidence to support the local plan and are appointed in accordance with the council's procurement procedures.	Head of Service & Section 151 Officer
Asset Management	N/A	Head of Service

8. REPORT APPENDICES

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

- Appendix A: Maidstone Borough Council Local Development Scheme 2014-2017

9. BACKGROUND PAPERS

None