

**Maidstone Local Plan Review – Progress Update & Next Steps**

<b>Final Decision-Maker</b>	Strategic Planning & Infrastructure Committee
<b>Lead Head of Service</b>	Rob Jarman, Head of Planning & Development
<b>Lead Officer and Report Author</b>	Mark Egerton, Strategic Planning Manager & Sarah Lee, Principal Planning Officer (Strategic Planning)
<b>Classification</b>	Public
<b>Wards affected</b>	All

**Executive Summary**

This report provides the Committee with an update on the key workstreams which are in train for the Local Plan Review, including the Call for Sites. It also considers how the next stage for the LPR could be progressed. Finally, Appendix 1 is a letter and attachment from KALC providing propositions for how the council could approach the Local Housing Need figure and overall housing land supply. The Committee Chairman gave a public commitment that KALC would receive a formal response to its letter and this is contained in Appendix 2.

The report is for the Committee's information however it does additionally provide useful background for the Local Development Scheme report which is reported elsewhere on this agenda. It helps to explain and justify the forthcoming milestones in the Local Development Scheme (the Local Plan Review timetable) and in particular explains why a staged approach to the next round of consultation would be beneficial.

**Purpose of Report**

*For information.*

**This report makes the following recommendations to this Committee:**

1. That the content of this report be noted.

**Timetable**

<b>Meeting</b>	<b>Date</b>
Strategic Planning & Infrastructure Committee	10 <sup>th</sup> March 2020

# Maidstone Local Plan Review – Progress Update & Next Steps

## CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> <li>• Embracing Growth and Enabling Infrastructure</li> <li>• Safe, Clean and Green</li> <li>• Homes and Communities</li> <li>• A Thriving Place</li> </ul> <p>Whilst this report is for information at this stage, 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 inter-relationship between the Strategic Plan objectives and the LPR.</p>	Rob Jarman, Head of Planning & Development
<b>Cross Cutting Objectives</b>	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> <li>• Heritage is Respected</li> <li>• Health Inequalities are Addressed and Reduced</li> <li>• Deprivation and Social Mobility is Improved</li> <li>• Biodiversity and Environmental Sustainability is respected</li> </ul> <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
<b>Risk Management</b>	Covered in the risk section (section 5)	Rob Jarman, Head of Planning & Development
<b>Financial</b>	In addition to core funding for the Strategic Planning team, additional funding has been set aside for the Local Plan Review in the Medium Term Financial Strategy. This includes funding for the specific workstreams described in this report.	Paul Holland, Senior Finance Manager
<b>Staffing</b>	There is a recruitment process underway to recruit to vacant posts in the Strategic Planning team. If these posts cannot be filled, alternative routes will be explored	Rob Jarman, Head of Planning & Development

	to resource the team such as by the use of agency staff and/or deployment of officers from other sections /departments.	
<b>Legal</b>	This report is 'for information' so it does not raise any specific legal implications in itself. 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)
<b>Privacy and Data Protection</b>	This report is 'for information' so it does not raise any specific privacy/data protection issues at this stage.	Policy and Information Team
<b>Equalities</b>	Equalities is a key consideration of the Local Plan review process and will form part of appropriate evidence bases and policies. A separate equalities impact assessment is being undertaken. This is a live document that will be revisited as the review progresses.	Equalities and Corporate Policy Officer
<b>Public Health</b>	The LPR as a whole will have, or has the potential to have, a positive impact on population health and that of individuals.	[Public Health Officer]
<b>Crime and Disorder</b>	The LPR as a whole can potentially have a positive impact on crime and disorder.	Rob Jarman, Head of Planning & Development
<b>Procurement</b>	This report is for information only and does not raise any specific procurement issues at this stage.	[Head of Service & Section 151 Officer]

## 1. INTRODUCTION AND BACKGROUND

1.1 This report is one of three reports on the agenda concerning the Local Plan Review;

1. This report provides information on the wider Local Plan Review process including the work undertaken so far and forthcoming work. This report provides important background for the third report on the Local Development Scheme.
2. An earlier report provides the headline findings from the Scoping Themes & Issues public consultation held last year.
3. The next report is the Local Development Scheme report which provides an updated timetable for the Local Plan Review. Subject to

the Committee's decision, the timetable will be reported on to Full Council for a final decision.

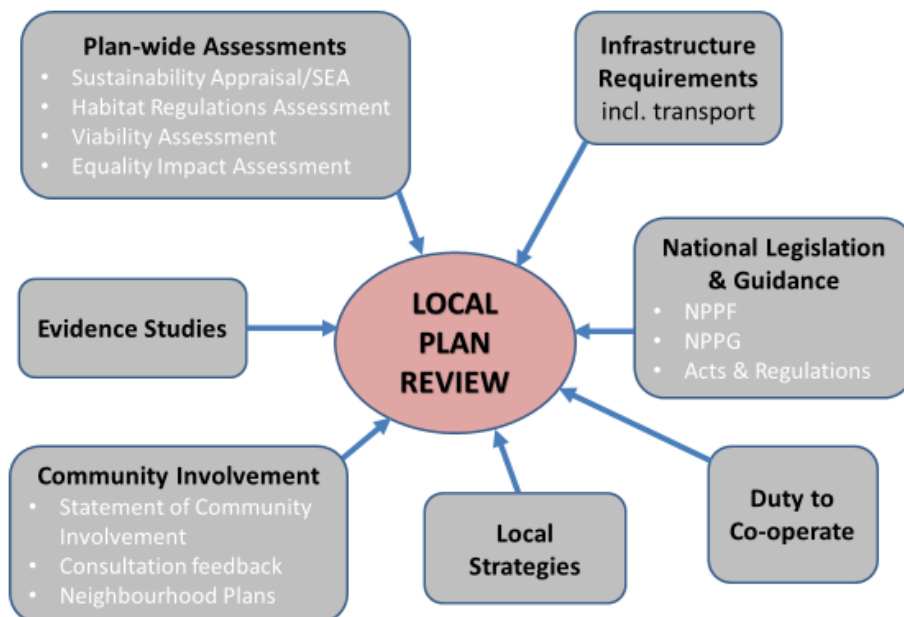
1.2 This report provides a progress report on the Local Plan Review (LPR) covering the following matters;

- An overview of current and future workstreams, including the Call for Sites
- LPR next steps, including the timing of key stages
- Response to the proposals in KALC's letter of 6<sup>th</sup> October 2019

### Current and future workstreams

1.3 There are a variety of inputs which feed into the preparation of the LPR. The adopted Local Plan is the starting point, recognising that we are undertaking a review and update of that plan rather than 'starting from scratch'. Policy LPR1 of the adopted Local Plan provides the initial framework for the review by setting out the range of matters which the Local Plan Inspector considered may need to be addressed. Since the Local Plan was adopted, the Government has revised the National Planning Policy Framework and the associated planning guidance which further affect the approach and content of the LPR. Notable amongst these changes is the introduction of the standard methodology for calculating the local housing need figure which sees a 40% uplift in the annual number of new homes we need to plan for. The report to the July 2018 meeting of the Strategic Planning Sustainability and Transportation Committee signalled the start of the Local Plan Review and the influences on it including the need for 5 yearly reviews as set out in the NPPF. The report also dealt with the merger of the Air Quality DPD into the Local Plan Review.

1.4 The diagram illustrates the range of component inputs to the LPR.



- 1.5 Officers are undertaking work across all these areas and it is worthwhile to highlight some selected workstreams in particular;
- 1.6 **Infrastructure.** Officers have had early discussions with the key infrastructure providers (education, health, transport, open space, utilities, emergency services) to explain the LPR process, our timetable and the information and insight we need from them as the LPR progresses. We are working with them to get a fuller understanding of existing infrastructure capacity, whether and how additional capacity can be created and how this varies when different patterns of development ('spatial options') are considered. This work will feed into the preparation of the updated Infrastructure Delivery Plan which will support the Local Plan Review.
- 1.7 In respect of transport specifically, joint working with KCC is progressing well, supported in particular by an officer seconded from KCC to work on LPR transport matters. There have been positive and pragmatic discussions between MBC, KCC and their consultants to commission transport modelling in a timely way so that first stage results can input into the assessment of different spatial options prior to the next public consultation stage of the LPR.
- 1.8 **Sustainability Appraisal (Strategic Environmental Assessment).** This is an important component used to evaluate the sustainability implications of the emerging plan in a structured and objective way, including of the reasonable alternative approaches which could be followed. The SA Scoping Report has been published which describes the baseline sustainability position of the borough and includes an initial sustainability framework to be used in the future assessment of the plan's proposals. Going forward, the potential approaches will be tested and compared through the Sustainability Appraisal. This assessment will be an important factor when determining which approaches are 'preferred' at the next stage. An interim SA report will be published with the next stage of the LPR (Regulation 18b stage).
- 1.9 **Call for Sites.** There was a good level of response to the Call for Sites which closed in May 2019; some 334 submissions were received.
- Most were for residential; there were also 9 employment sites, 15 mixed use, 9 Gypsy & Traveller sites
  - 9 Garden Settlement-scale proposals in 7 locations (3 are along the Leeds-Langley axis) were also received.
- 1.10 The Call for Sites is a necessary and early step for the LPR. It provides the council with a long list of potential sites in which there is market interest. This knowledge confirms which sites are 'available' for development; without it the council could risk producing a LPR which is ineffective. National planning guidance confirms that undertaking the Call for Sites helps ensure that the identification of development land is done in a transparent manner.
- 1.11 A map of the sites and the submissions were published on the council's website in early November 2019. Details of sites were circulated to parish

councils<sup>1</sup> and ward members beforehand. Officers have invited feedback from parish council and ward members on the sites in their areas.

- 1.12 Sites are being assessed for their suitability, availability and achievability in planning terms. The criteria for assessing the individual sites was agreed by Strategic Planning, Sustainability & Transportation Committee in February 2019. The Garden Community proposals are following an equivalent process although this will be more extended and involved in view of the scale and potential complexity of these large-scale proposals.
- 1.13 It is not sufficient to assess the sites on an individual basis. We need to generate reasonable alternative spatial options involving different patterns of sites and to then compare these to one another objectively. This is the case for non-residential uses such as employment and retail as well as for housing. The starting point for the alternative spatial options is that they should each contain sufficient sites to meet needs.
- 1.14 **Evidence studies – spatial and non-spatial.** There is widespread and understandable interest in the parts of the LPR which deal with the amount and locations of new development. These are the 'spatial' aspects of the plan and include the overall spatial strategy and the individual sites (and broad locations potentially) which will achieve that strategy. The workstreams described above are all ones which feed into these spatial aspects.
- 1.15 There are also highly important matters which are 'non-spatial' in nature such as types of housing needs (e.g. affordable housing, housing for the elderly, Gypsy & Traveller accommodation), employment types (e.g. town centre mix of uses, B class mixes) and some key objectives in which the LPR has a fundamental role (e.g. transport modal shift, protection of the historic environment, climate change). The Development Management policies in the adopted Local Plan are crucial to the day to day decision-making of Planning Committee, officers and appeal Inspectors and these are largely non-spatial. These non-spatial aspects of the LPR require an evidential base and potential approaches must be tested in the same way as for the spatial aspects of the plan. Workstreams which are underway which will contribute to the non-spatial aspects of the LPR include the Strategic Housing Market Assessment, the Economic Development Needs Assessment, the Gypsy & Traveller Accommodation Assessment and topic papers being prepared on such matters as climate change and housing need.

### **LPR next steps and timetable**

- 1.16 The Local Planning Regulations<sup>2</sup> require us to consult on the matters that the plan should have regard to and through the Scoping, Themes & Issues consultation document (Reg 18a) people gave us feedback on the matters the Local Plan Review could or should address. The regulations do not prescribe how many Regulation 18 stage consultations there should be, or their level of detail, before the council publishes its 'pre-submission' plan.

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<sup>1</sup> Marden Parish Council opted out of this stage

<sup>2</sup> The Town and Country Planning (Local Planning) (England) Regulations 2012, (as amended)

This is the final consultation stage on a full, draft plan which the council considers is sound and ready to be submitted for examination.

1.17 There is value in producing a consultation document between scoping and pre-submission stages. It helps to set out the choices that the council is making, and the reasons for them, as the LPR is evolving. A 'preferred approaches' style document is a highly useful staging point to show what work has been done, what approaches the council is minded to support based on the current available information and what work is yet to be completed. Consulting the public, development industry, parish councils, expert agencies and others at this stage will give the council more feedback before critical decisions are taken on the final content of the plan. It would also help to chart the evolution of the Plan for the Inspector's benefit. A preferred approaches stage would;

- Cover spatial and non-spatial aspects of the LPR
- Set out the council's preferred approaches for the range of emerging policy matters but it would not contain detailed policy wording at this stage.
- Explain the reasons the preferred approaches have been chosen and why other reasonable alternatives have been rejected
- Be supported by a first stage Sustainability Appraisal

1.18 When the Local Development Scheme (the LPR timetable) was agreed in July 2018, it was anticipated that the next stage of public consultation would be in February 2020. Since that decision was taken, a number of factors have changed, namely;

- Substantial response to the Call for Sites requiring more technical work to appraise the submissions fully
- Substantial response to the Scoping, Themes & Issues consultation requiring time to catalogue and analyse the feedback received

Revisions to the NPPF

1.19 Further, some additional time at this juncture will enable the evidence base work to be more advanced to give Members a better foundation for the choices they will be making at the next stage. This will be particularly important if Members want to be more definitive about their preferred ways forward. This could also help to minimise the necessity for a third Regulation 18 consultation ('Regulation 18c'), caused by Regulation 18b being undertaken too early in the evidence-gathering process.

1.20 As explained earlier in the report, the LPR is broad ranging with many workstreams feeding into its evolving content. The time needed to produce a fully worked up 'preferred approaches' document for both spatial and non-spatial aspects would push the publication of the next stage consultation document into 2021. There is a risk that this will be seen as too long a gap from the Scoping, Themes & Issues consultation which closed in September 2019.

1.21 A way to address this concern, and the recommended way forward, is to stagger the Reg18b consultation. We would produce a Part I consultation

document in October 2020 which would have emphasis on future strategies for growth to be followed by Part II in Spring 2021 with emphasis on more detailed topic areas. This approach would enable resources in the Strategic Planning team (and wider Planning service) to prioritise key the key strategies for growth initially. Consulting on these first could help ease some of the public uncertainty associated with the Call for Sites. It may also achieve even better levels of engagement by a) splitting the consultation across two more manageable sized documents in terms of both length and breadth of content and b) providing two consultation opportunities rather than one. We can still have regard to the growth components during the detailed topic areas consultation.

1.22 The prospective timetable is provided in the table below. This is replicated in the Local Development Scheme report elsewhere on this agenda.

<b>Reg18b (part I)</b>	<b>Reg18b (part II)</b>	<b>Reg 19</b>	<b>Examination</b>	<b>Adoption</b>
Oct 20 (growth strategy)	Feb 21 (detailed topic areas)	Dec 21	June/July 22	Oct 22

1.23 In addition, an indicative work programme is provided below in order that Members are aware of the work areas required between now and commencement of the public consultation in October 2020. There are also over arching work streams with sustainability appraisals and the strategic environmental assessment together with transport modelling being of particular note. These will be ongoing at various points throughout this period.

<b>Headline Work Area</b>	<b>Time Period</b>
Complete key elements of evidence base in preparation for creating initial approaches for the distribution of housing, employment, retail and leisure, and potentially Gypsy and Traveller growth	January-March 2020
Create and undertake comparative assessments of 3-5 approaches for distribution of housing, employment, retail and leisure, and potentially Gypsy and Traveller growth including through the production of topic papers and assessment matrices, transport assessment and sustainability appraisals	March-June 2020
Create preferred spatial approaches and Preferred Approaches documents (with supporting documents) using above evidence and involving completion of topic papers and assessment matrices	July-September 2020
Present Preferred Approaches documents (with a focus on approaches for distribution of housing, employment, retail and leisure, and potentially Gypsy and Traveller growth) to Strategic Planning and Infrastructure Committee	October 2020



Prepare and commence a six-week Public Consultation on Preferred Approaches documents (with a focus on approaches for distribution of housing, employment, retail and leisure, and potentially Gypsy and Traveller growth)	October 2020
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### **Response to the proposals in KALC's letter of 6<sup>th</sup> October 2019**

1.24 The Maidstone Area Committee of the Kent Association of Local Councils wrote to the Director of Regeneration & Place on 6<sup>th</sup> October and attached to that letter 12 propositions for the Local Housing Need figure and the housing trajectory. The letter and attachment are included in Appendix 1. The Committee Chair made a public commitment that officers should consider KALC's propositions and Appendix 2 includes this technical response. Subject to the Committee's input, the response will be sent to KALC after the committee meeting.

### **3. AVAILABLE OPTIONS**

3.1 The Local Development Scheme report considers potential options for the timetable and recommends a 2-stage Regulation 18b consultation.

3.2 Available options for the timetable are as follows;

Option A – approve the LDS with two stage Reg18b.,

Option B – do not undertake a Reg18b and move straight to Reg19 pre-submission plan.

Option C – prepare a comprehensive Reg18b.

### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

#### ***Option A***

4.1 The advantages of a two-stage Regulation 18b are;

- Enables earlier consultation on the potential future strategies for growth which are matters which residents etc. are currently most concerned about (compared with Options B or C)
- Enables the focussing of resources on these aspects in the short term, to be followed by more detailed topic areas
- Reduces the time gap since the Scoping, Themes and Issues consultation (compared with Options B or C)
- Potentially beneficial for engagement levels (compared with Options B or C)

4.2 A potential disadvantage is;

- The additional consultation stage resulting from the split approach requires additional resources to plan and manage the consultation itself and the responses generated.

### **Option B**

4.3 A benefit of moving straight to a Regulation 19 pre-submission consultation document is;

- It streamlines the plan-preparation process by reducing the number of public consultation stages (compared with Options A or C)

4.4 Disadvantages are;

- There will be an extended period since the Scoping Themes & Issues consultation which may not be publicly acceptable
- This approach removes the opportunity for the council to set out, justify and publicly test its preferred ways forward before final key decisions on the content of the plan are made. The LPR Inspector will require the council to be able to explain and justify the plan's content and demonstrate how decisions have been made in a transparent way and completing a Regulation 18b consultation has a valuable role in this respect.

4.5 The latter point is considered to be an over-riding reason not to recommend this approach.

### **Option C**

4.6 Advantages of a comprehensive Regulation 18b consultation are;

- Removes the necessity to plan and manage an additional consultation stage (compared with Option A)
- Some topics have cut across both strategy and detailed matters (e.g. supporting economic growth; supporting transport choice) and key linkages will be much easier to convey (compared with Option A).

4.7 Conversely, weighing against this option is the time and resources needed to produce a comprehensive Regulation 18b consultation which will delay consultation into 2021. This being the case, **Option A is recommended** as the best way to resolve the competing demands on the LPR process.

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## **5. RISK**

5.1 This report is presented for information only and, of itself, has no risk management implications. It does however provide important background to the Local Development Scheme report elsewhere on this agenda which sets out the timetable for the Local Plan Review.

5.2 In overview, a risk register has been prepared for the Local Plan Review which identifies the key risks to the progression of the LPR, the implications

and severity of the risks and the measures in place to reduce the likelihood of the risk. This register is kept updated.

- 5.3 Important to the achievement of the timetable - and a key risk - will be having sufficient staff with the right skills to complete the outstanding LPR tasks. There is a recruitment process underway to recruit to vacant posts in the Strategic Planning team. If these posts cannot be filled, alternative routes will be explored to resource the team such as by the use of agency staff and/or deployment of officers from other sections /departments.
- 5.4 Funding is another potential risk. Funding has been set aside for the Local Plan Review in the Medium Term Financial Strategy. The MTFFS itself is subject to annual review whilst the expenditure from the Local Plan Review budget is actively monitored by the Strategic Planning manager in collaboration with the Finance team.
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## **6. REPORT APPENDICES**

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

- Appendix 1: KALC letter dated 6<sup>th</sup> October 2019
  - Appendix 2: Technical response
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## **7. BACKGROUND PAPERS**

Maidstone Borough Local Plan (2017)  
Maidstone Local Plan Review - Scoping, Themes & Issues (Regulation 18a)