

**Local Development Scheme 2020-2022 (September 2020
edition) and Maidstone Statement of Community
Involvement September 2020**

Final Decision-Maker	Full Council
Lead Head of Service	Rob Jarman, Head of Planning and Development
Lead Officer and Report Author	Tom Gilbert (Principal Planning Officer Planning Manager); Anna Ironmonger (Planning Officer); and Nicola Stokes (Planning Officer)
Classification	Public
Wards affected	All wards

Executive Summary

The Council is required to prepare and maintain a Local Development Scheme (LDS). The LDS outlines the delivery timetable for the Local Plan Review (LPR). The current LDS 2020-2022 was approved in July 2020 . Since this July 2020 iteration, the Ministry of Housing, Communities and Local Government has published proposed reforms to the planning system in England which potentially increase the number of houses that the Council may need to deliver by some 5325 units during the Local Plan Review period . The consultation allows for transitional arrangements which, if met, could allow for the retention of the housing numbers currently being planned for. In order to try to complete the current Local Plan Review before these changes become live, and to allow time to plan properly for such a significant increase, it is proposed to shorten the timescale of the current review. Hence, the Local Development Scheme has been updated and a new Local Development Scheme 2020–2022 (September 2020 edition) (Appendix 1) has been produced.

To deliver the LPR under the revised LDS, the Council would also be required to amend its Statement of Community Involvement (SCI). The SCI outlines the Local Planning Authority’s policy for consulting and engaging with individuals, communities and other stakeholders, both in the preparation and revision of the Local Plan and in development control decisions. It is proposed to reduce the period for public consultations (under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)) from a minimum of 6 weeks to a minimum of 3 weeks. The amended SCI (September 2020) is produced at Appendix 2.

Purpose of Report

Decision

This report makes the following recommendations to this Committee:

1. That this committee resolves to recommend to full Council that the Local Development Scheme 2020 – 2022 (September 2020 edition) be approved.
2. That this committee resolves to recommend to full Council that the Statement of Community Involvement (September 2020) be approved.
3. That this committee resolves to allow the Head of Planning and Development to make minor editorial and presentational adjustments to the Local Development Scheme and Statement of Community Involvement prior to publication.
4. That as further details of proposed changes to the planning system emerge, these be reported to this Committee along with any options/recommendations.

Timetable

<i>Meeting</i>	<i>Date</i>
Strategic Planning and Infrastructure Committee	22 nd September 2020
Council	30 th September 2020

Maidstone Statement of Community Involvement September 2020

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> • Embracing Growth and Enabling Infrastructure • Safe, Clean and Green • Homes and Communities • A Thriving Place <p>The Local Plan Review (LPR), can contribute to all four objectives.</p> <p>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 and Development
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>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 and Development
Risk Management	Already covered in the risk section	Rob Jarman, Head of Planning and 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.	Rob Jarman, Head of Planning and Development

	There may be financial implications resulting from this report in terms of the need to undertake work to achieve the amended timescale proposed for the Local Plan Review.	
Staffing	Where possible, the recommendations contained in this report will be managed within existing staff resource, but a compressed timetable may result in the need to commission additional work.	Rob Jarman, Head of Planning and Development
Legal	Accepting the recommendations will fulfil the Council duties under the Planning and Compulsory Purchase Act 2004 (as amended)	Russell Fitzpatrick (MKLS (Planning) Team Leader
Privacy and Data Protection	This report does not raise any specific privacy/data protection issues at this stage.	Policy and Information Team
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.	Policy & Information Manager
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 and Development
Procurement	This report does not raise any specific procurement issues at this stage.	Rob Jarman, Head of Planning and Development

2. INTRODUCTION AND BACKGROUND

2.1 The Ministry of Housing, Communities and Local Government (MHCLG) have published two consultations that will significantly change the planning system in England. The proposals include changes to the standard methodology used to calculate housing need. This proposed change in methodology will have implications for the number of houses the Borough is required to provide over the Local Plan period. Under the current methodology the Council is required to build 1,214 houses per year. Under the new methodology proposed by MHCLG, which is presently subject to

consultation and may change, this number increases to 1,569 houses per year.

- 2.2 Whilst there is no agreed date for the changes to the standard housing methodology to be introduced, or what form they may finally take, it is understood that the changes will be introduced during the preparation of the Local Plan Review (LPR). Alongside the proposed changes, MHCLG has also proposes transitional arrangements. In order to try to qualify for these transitional arrangements, changes to the Local Development Scheme (LDS) and the Statement of Community Involvement (SCI) are required.
- 2.3 Under Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended) the Council must prepare and maintain a LDS. The LDS must outline what development plan documents the Council will produce, and a timetable for when these will be produced.
- 2.4 The SCI is a requirement under Section 18 of the Planning and Compulsory Purchase Act 2004 (as amended). The SCI sets out the Local Planning Authority's policy for consulting and engaging with individuals, communities and other stakeholders, both in the preparation and revision of the Local Plan and in development control decisions.

Local Development Scheme

Background

- 2.5 The current LDS (2018-2022) was approved by Full Council in July 2018 and outlined the delivery timetable for the Local Plan Review up to adoption.
- 2.6 The LDS (2020 – 2022) (herein referred to as the July 2020 edition) was presented to this committee in March 2020, and proposed that the preferred approach stage will be split into two. The first focussing on strategic spatial approach; the second on non-spatial topics. It was adopted by Full Council in July 2020.

What are the proposed changes to the Local Development Scheme?

- 2.7 Since the LDS (2020-2022; July 2020 edition) came into effect, the MHCLG have published two key consultations on changes to the planning system in England. The changes proposed in the two consultations are likely to have a significant impact on plan making in the Borough. Among the proposed changes is an update to the standard methodology used to calculate housing need. The consultation also proposes transitional arrangements

which, if met, could allow for the retention of the numbers around which the current Local Plan Review is being prepared. As indicated above, changes in methodology will have implications for the number of houses the Borough is required to provide.

2.8 A presentation of timetabling options was provided to Members at the 8 September 2020 meeting of this Committee. The Committee resolved that a new LDS be prepared based on Option 2 (Streamlined Reg 18b) in that presentation. The Local Development Scheme 2020 – 2022 (September 2020 edition) has been produced based on the choice made by this Committee and is attached to this report as Appendix 1.

2.9 The LDS (2020 – 2022; September 2020 edition) proposes the following timetable:

Preferred Approaches Consultation (Regulation 18)	Draft DPD Consultation (Regulation 19)	Submission (Regulation 22)	Examination	Main Modification Consultation	Adoption
December 2020	June 2021	December 2021	May – June 2022	August 2022	October 2022

2.10 To deliver the revised LDS timetable, changes are required to the Statement of Community Involvement (attached to this report at Appendix 2).

Statement of Community Involvement

Background

2.11 The Statement of Community Involvement 2018 (SCI 2018) was approved by this Committee on 4th December 2018 and came into effect the same day. A local planning authority can make changes to their Statement of Community Involvement without consultation.¹ A series of amendments in the form of addendums have been made to the SCI 2018 since its adoption by the Council. These included a Covid-19 temporary addendum, and an addendum to address the different consultation methods.

What are the proposed changes to the Statement of Community Involvement?

2.12 Under the current SCI 2018, the Council will hold a minimum 6-week public consultation period for consultations held under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as

¹ MHCLG, National Planning Practice Guidance, Paragraph: 035 Reference ID: 61-035-20190723 (July, 2019)

amended). However, due to the changes to the LDS set out in this report, changes are also required to the SCI. The principal change is to allow a minimum 3 week public consultation period for consultations held under Regulation 18 of the 2012 Regulations. This will allow the Council to meet the timetable outlined in the LDS (September 2020 edition) (above).

- 2.13 It is also proposed to adopt the changes outlined in the SCI addendum (July 2020) formally into the new SCI document. This is in order to comprehensively update the document. The SCI Covid-19 addendum (May 2020) will remain as a separate addendum, so that it can be easily removed at a time when it is suitable to do so.

3. AVAILABLE OPTIONS

- 3.1 Option A: The Local Development Scheme 2020-2022 (September 2020 edition) and the Maidstone Statement of Community Involvement September 2020 are approved for adoption by Full Council. The LDS outlines the timetable for delivering the Local Plan Review (LPR), whilst the SCI outlines how the Council will engage with the public during that time. The LPR has consideration for the Strategic Plan priorities and cross-cutting objectives. To not adopt the LDS or SCI will be contrary to the Planning and Compulsory Purchase Act 2004 (as amended). By agreeing to make changes to the SCI 2018, the Council are able to hold a Regulation 18 with a minimum 3 week consultation. With this option, Members are also requested to provide the Head of Planning and Development with delegated powers to make minor editorial and presentational adjustments prior to publication.
- 3.2 Option B: The Local Development Scheme 2020-2022 (September 2020 edition) and the Maidstone Statement of Community Involvement September 2020 are not adopted. This would mean that the Council would need to continue to adhere to the currently adopted LDS and SCI, including undertaking the programmed six week public consultation in October 2020, in order for the LPR to meet its legal tests and be found sound by a government Inspector.
- 3.3 Option C: Either the Local Development Scheme 2020-2022 (September 2020 edition) is adopted and the Maidstone Statement of Community Involvement September 2020 is not adopted. Or the Local Development Scheme 2020-2022 (September 2020 edition) is not adopted and the Maidstone Statement of Community Involvement September 2020 is adopted. This option would mean that LDS and SCI would not correspond and the LPR would not meet the legal tests. The LPR would be found unsound by a government Inspector.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

4.1 The preferred option is Option A. The LDS outlines the timetable for delivering the Local Plan Review, whilst the SCI outlines how the Council will engage with the public and other stakeholders to deliver the LDS. The LPR has consideration for the Strategic Plan priorities and cross-cutting objectives. To not adopt the LDS and SCI will be contrary to the Planning and Compulsory Purchase Act 2004 (as amended). By agreeing to make changes to the SCI 2018, the Council are able to hold a Regulation 18 with a minimum 3 week consultation.

5. RISK

5.1 The Recommendations in this report are specifically designed to try to avoid the risk that the increased housing numbers contained within current Government consultation come into effect during the current review of the Maidstone Local Plan, and thus have to be accommodated without time to plan properly for a significant level of additional growth. The risks associated with all options arising from the MCHLG consultation were put forward at the 8 September 2020 meeting of this Committee.

5.2 The approach above carries some risk in itself, which has been discussed with Members and will be monitored frequently to ensure that it is effectively managed and remains within the Council's risk appetite.

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

6.1 Previous iterations of the Local Development Scheme can be found on the website.

6.2 Previous changes have been made to the Statement of Community Involvement and can be found on the website.

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

7.1 Following a Full Council decision to adopt the Local Development Scheme 2020 – 2022 (September 2020 edition) and Maidstone Statement of Community Involvement September 2020 they will be available to view on the website.

7.2 LDS key milestones will be reviewed as part of the Authority Monitoring Report which is published every year.

8. REPORT APPENDICES

Appendix 1: Local Development Scheme 2020 – 2022 (September 2020 edition)

Appendix 2: Maidstone Statement of Community Involvement September 2020

INSERT LINK

9. BACKGROUND PAPERS

Background document 1: Local development Scheme 2018 – 2022 (2018 edition)

<https://localplan.maidstone.gov.uk/home/documents/local-plan-review-documents/lpr-progress/Local-Development-Scheme-2018-2022.pdf>

Background document 2: Local development Scheme 2020 – 2022 (July 2020 edition)

<https://localplan.maidstone.gov.uk/home/documents/local-plan-review-documents/lpr-progress/Local-Development-Scheme-2020-2022-final-for-publication.pdf>

Background document 3: Statement of Community Involvement (2018)

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

Background document 4: Statement of Community Involvement Covid 19 Temporary Addendum (May 2020)

<https://localplan.maidstone.gov.uk/home/documents/local-plan-review-documents/lpr-guidance/Maidstone-Statement-of-Community-Involvement-Covid-10-Addendum-May-2020.pdf>

Background document 5: Statement of Community Involvement (2018) Addendum July 2020

<https://localplan.maidstone.gov.uk/home/documents/local-plan-review-documents/lpr-progress/Addendum-for-SCI-V4.pdf>

Background document 6: Planning Practice Guidance – Plan making

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