

Local Plan Review Update and Requirements to Submission

Final Decision-Maker	Strategic Planning and Infrastructure Committee
Lead Head of Service	Philip Coyne (Interim Director of the Local Plan Review) and Rob Jarman (Head of Planning and Development)
Lead Officer and Report Author	Mark Egerton (Strategic Planning Manager)
Classification	<p><i>Public Report with Exempt Appendix.</i></p> <p><i>Exempt Appendix: Appendix 1: Working Draft Statements of Common Ground with adjacent authorities and other key bodies.</i></p> <p><i>This appendix contains exempt information as classified in paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 in that it contains information relating to the financial or business affairs of any particular person (including the authority holding that information).</i></p> <p><i>The public interest in maintaining this exemption outweighs the public interest in its disclosure. The Statements of Common Ground are working draft documents and contain sensitive cross boundary matters. The working draft documents contain information affecting the business affairs of other authorities and key bodies.</i></p> <p><i>It is intended to publish the Statements of Common Ground as part of the Regulation 22 Submission of the Local Plan Review documents once agreement has been received from neighbouring authorities and relevant prescribed bodies.</i></p>
Wards affected	All

Executive Summary

Submission of the Local Plan Review documents was agreed by Full Council on the 6th October 2021. Delegated authority was also given to the Strategic Planning and

Infrastructure Committee to agree a schedule of proposed Main Modifications. There are, however, three primary areas of work to be considered as the Local Planning Authority moves towards submission at the end of March 2022. The work areas are 1. Updated evidence 2. New and updated draft Statements of Common Ground 3. Proposed Main Modifications to the Local Plan Review documents. This report provides this committee with information regarding these three work areas, as well as setting out the next steps as the work towards submission continues.

Purpose of Report

The matters covered in this report are for decision and noting

This report makes the following recommendations to this Committee:

1. That the list of documents within the updated evidence provided as background documents to this report are noted
2. That the draft Statements of Common Ground attached as exempt Appendix 1 are agreed
3. That the proposed Main Modifications attached as Appendix 2 to this report are approved, in order that they may be submitted with the Local Plan Review Draft for Submission document and associated Policies Map to the Secretary of State for Levelling Up, Housing and Communities.

Timetable

<i>Meeting</i>	<i>Date</i>
Strategic Planning and Infrastructure Committee	21 March 2022

Local Plan Review Update and Requirements to Submission

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>Accepting the recommendations will materially improve the Council's ability to achieve each of the corporate priorities.</p>	Phil Coyne (Interim Local Plan Review Director)
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>Accepting the recommendations will materially improve the Council's ability to achieve each of the cross-cutting objectives.</p>	Phil Coyne (Interim Local Plan Review Director)
Risk Management	<p>There are legal compliance requirements, notably the Local Development Scheme, Duty to Co-operate and Statement of Community Involvement. A Sustainability Appraisal Process (including Strategic Environmental Assessment) and Habitat Regulations Assessment process is also ongoing for the Local Plan Review.</p> <p>There are also 4 tests of 'soundness': - 1. Positively prepared 2. Justified 3. Effective 4. Consistent with national policy.</p>	Phil Coyne (Interim Local Plan Review Director)

	The Local Plan Review is taking account of all of these matters.	
Financial	Funding has been set aside for the Local Plan Review. This includes funding for the specific work described in this report	[Section 151 Officer & Finance Team]
Staffing	We will deliver the recommendations with our current staffing.	Phil Coyne (Interim Local Plan Review Director)
Legal	Acting on the recommendations is within the Council's powers as set out in the Planning and Compulsory Purchase Act 2004 (as amended), The Town & Country Planning (Local Planning) (England) Regulations 2012 (as amended) and the Environmental Assessment of Plans and Programmes Regulations 2004 (as amended). The Regulation 19 consultation document has had legal input during its preparation.	Russell Fitzpatrick MKLS (Planning) Team Leader
Privacy and Data Protection	Accepting the recommendations will increase the volume of data held by the Council. We will hold that data in line with our retention schedules. All responses will be anonymised before publication.	Policy and Information Team
Equalities	A separate, equalities impact assessment has been undertaken for the Local Plan Review. This is a live document that will be revisited at various stages of the review and a further iteration will occur in response to the Equalities and Communities Officer consultation proposed in this report.	Equalities and Communities 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	We recognise that the recommendations will have, or have the potential to have, a positive impact on population health or that of individuals.	Phil Coyne (Interim Local Plan Review Director)
Procurement	<ul style="list-style-type: none"> Procurement exercises have taken place throughout the production of the Local Plan Review in line with financial 	Phil Coyne (Interim Local Plan

	procedure rules.	Review Director) & Section 151 Officer]
Biodiversity and Climate Change	The implications of this report on biodiversity and climate change have been considered and accepting the recommendations aligns with associated actions of the Biodiversity and Climate Change Action Plan	James Wilderspin Biodiversity and Climate Change Manager

2. INTRODUCTION AND BACKGROUND

- 2.1 At its 6th October 2021 meeting, Full Council agreed, amongst other matters, the submission of the Local Plan Review documents to the Secretary of State for Levelling Up, Housing and Communities (SoS) for examination under Section 20 of the Planning and Compulsory Purchase Act 2004 (as amended). Delegated authority was also given to the Strategic Planning and Infrastructure Committee to agree a schedule of proposed Main Modifications (which this Committee believe to be acceptable arising from the Regulation 19 consultation responses) to be submitted with the Local Plan Review Draft for Submission document and associated Policies Map to the SoS. These proposed Main Modifications have arisen from the Regulation 19 public consultation on the Draft for Submission documents that took place between the 29th October 2021 and 12th December 2021. The Main Modifications are not minor changes, such as typographical or graphical adjustments. They would be proposed by the Local Planning Authority on the basis that they would help the Local Plan Review documents to overcome issues of soundness and legal and procedural compliance at Independent Examination.
- 2.2 Officers have now analysed the duly made representations to identify the main objections questioning the soundness of the Local Plan Review documents; to assess whether these objections highlight issues which may undermine their overall soundness; and to decide whether it is necessary and/or appropriate to recommend changes to the Inspector as a result of these, at this time. Approximately 2,260 duly made representations were received to that Regulation 19 consultation.
- 2.3 In terms of proposed strategic allocations in the Plan, the overall majority (in the region of 1,000) of representations received were made on the Lidsing Garden Community proposal. A large number of representations have also been made on Heathlands Garden Community proposal and, to a lesser extent, the continued inclusion of the Invicta Barracks site as previously agreed and carried forward from the 2017 Adopted Local Plan.
- 2.4 Invicta Barracks has been subject of an increased number of representations compared to the Regulation 18 Preferred Approaches consultation. These have included concerns around the scale of development and the provision of infrastructure.

- 2.5 The majority of representations seek to highlight specific concerns in relation to the garden community proposals, with a particular focus on landscape impacts (including the impact on the Kent Downs Area of Outstanding Natural Beauty), transport impacts (including provision of transport infrastructure and need for mitigations), and infrastructure requirements.
- 2.6 For Lidsing, there remains a particular concern in relation to the principle of development in the Capstone Valley (albeit that recent appeal decisions on the Medway side of the border have not supported this principle), the impacts on nearby communities and infrastructure within Medway's administrative area. It should also be noted that the Local Plan Review seeks to establish the principle of these proposals, with further, more detailed work to be undertaken by way of Supplementary Documents on the Invicta, Lidsing and Heathlands schemes. Planning applications will then still be required thereafter.
- 2.7 Comments have raised various other matters including the amount of housing proposed. This has included the view that too much housing is being proposed, from some local residents and the view that further sites should be included, from some within the development industry. Concerns have also been raised regarding the impact of growth on the environment. These concerns have been reflected overall regarding the site allocations, where comments also focussed on Infrastructure, transport and congestion, landscape impact and environmental impact.
- 2.8 In addition, representations also referred to matters such as the Duty to Cooperate, questioning whether this duty had been fulfilled. A number of these representations were from the development industry.
- 2.9 A detailed summary of the representations, including the main issues raised and the Council's responses, is contained within the Consultation Statement. This statement is included within the evidence base that is summarised below and include as background documents here – https://drive.google.com/drive/folders/1_rqyk7cQWzWL9Zj7JtA4hUF85572LeMS?usp=sharing
- 2.10 Following processing and analysis of these representations, including redaction of personal details, the individual representations have been published on the Council's Local Plan Review webpages and are available here – <https://maidstone.objective.co.uk/kse/>. These representations will also be included within the submission documents to be submitted to the Secretary of State, for Independent Examination. The Local Planning Authority also received representations that were not duly made, or were withdrawn, for example. These representations will also be forwarded to the examining Inspector.
- 2.11 Following submission, the Inspector will determine if the Local Plan Review documents have been prepared in accordance with legal and procedural requirements ('legality') and whether they are sound. Plans are 'sound' if they are:

- a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- d) **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.

2.12 Finally, the Inspector must examine whether, in the preparation of the Local Plan Review, the Council has complied with the Duty to Co-operate, which requires the Council to demonstrate that it has met its obligations to engage constructively, actively and in an on-going way with neighbouring and partner authorities in respect of strategic matters that cross administrative boundaries. Non-compliance with the Duty to Co-operate cannot be rectified through the examination process and would result in withdrawal of the Plan. Indeed, this is certainly a common issue, with nearby boroughs Sevenoaks and Tonbridge and Malling being some of those in south east England who have fallen fowl of the requirements.

Updates to the Evidence Base

2.13 The evidence base for the Local Plan Review is constantly under review and has been updated at various key stages of production. Updates to certain components of the evidence base have also taken place following the Regulation 19 consultation and these are set out as background documents to this report, which are summarised below and available here – https://drive.google.com/drive/folders/1_rqyk7cQWzWL9Zj7JtA4hUF85572LeMS?usp=sharing

Infrastructure Delivery Plan

2.14 This includes updates to terminology and references, as well as links to the most up to date documents. It includes updates to costs and requirements as advised by infrastructure providers. It also highlights the significant scale of infrastructure to be delivered by both Lidsing and Heathlands Garden Communities.

2.15 The two Garden Communities will deliver significant benefit to their immediate localities as well as the wider borough. Such wider benefits include new highways infrastructure, a rail station, a country park at Heathlands, and significant employment opportunities at Lidsing.

Kent Downs Area of Outstanding Natural Beauty (AONB) Mitigation Paper

2.16 This paper has been produced following representations from Natural England and the Kent Downs AONB Unit. It provides context and information regarding the approach that the Local Plan Review Spatial Strategy has taken regarding the ways in which impacts are being minimised.

Viability Assessment

2.17 No change of approach has been required. However, there are two appendices where inaccuracies have been identified regarding employment and retail matters. The update rectifies these inaccuracies.

Consultation Statement

2.18 The previous iteration of the Consultation Statement has been updated to account for the Regulation 19 consultation itself and the responses received. This includes a summary of the main issues raised and the Council's response to those issues.

Duty to Cooperate Statement

2.19 Maidstone Borough Council, as Local Planning Authority, has been engaged in ongoing, active and effective duty to cooperate with neighbouring authorities and other relevant prescribed bodies. This document is a Regulatory requirement and illustrates the work that has been undertaken by the Local Planning Authority in meetings its obligations under the Duty to Cooperate. It provides an update to the Statement that was published as part of the Regulation 19 stage of the Local Plan Review. A record of duty to co-operate meetings has been published on our website and is updated on a regular basis as discussions continue. These meetings inform the Statements of Common Ground which is considered in the next section of this report.

Habitat Regulations Assessment Interim Update

2.20 This update reflects the latest position following comments received from Natural England. The update considers the air quality impacts on the North Downs Woodland Special Area of Conservation and revised evidence to support the delivery of development in the Stour catchment.

2.21 At the time of writing this report, feedback had yet to be received from Natural England and therefore this Addendum will be provided as an urgent update to committee.

Transport Modelling – Additional Modelling Inputs Run to 2037

2.22 This updates evidence that was released prior to the Regulation 19 consultation regarding the stage 2 (forecast) transport modelling. This update removes the Binbury Park planning application proposals (in terms of development housing and employment figures but also associated highway improvement schemes), which does not form part of the Local Plan

Review. It also updates inputs to the reference case to facilitate comparison with the baseline. The emerging findings demonstrate further investigations into future interventions and mitigations as likely recommendations by the highway authority on key network corridors and junctions. The evidence produced is iterative and will continue to be developed for strategic sites through the Supplementary Planning Documents and through the planning application process.

Transport Modelling - Additional Modelling Inputs Run to 2050

2.23 This also updates evidence that was released prior to the Regulation 19 consultation regarding the stage 2 transport modelling. This update extends the time horizon of the modelling to 2050 in order that the full implications of the garden community proposals may be assessed. The emerging findings demonstrate similar trends to 2037 but with further deterioration at junctions as would be expected without the identification of further scheme delivery. Further investigations into future interventions and mitigations as likely recommendations by the highway authority on key network corridors and junctions. The evidence produced is iterative and will continue to be developed for strategic sites through the Supplementary Planning Documents and through the planning application process. Both the 2037 and 2050 modelling runs have been merged into a single evidence base document.

Invicta Barracks Specialist Studies

2.24 To support the development proposals for this site, the promoter has released additional information. This includes a position statement, detailed background work in relation to site conditions, topography, development constraints, areas for protection and potential development quantum in particular parts of the site.

Heathlands Garden Community Specialist Studies

2.25 To support the development proposals for this site, the promoter is preparing additional information in relation to key matters such as dealing with the mitigation of impacts upon the AONB, the commissioning of further work around a proposed new railway station, transport impacts and work required going forward to ensure adequate mitigation of these impacts. Additional work is also ongoing in relation to dealing with minerals allocations on the site and the impacts of dealing with Natural England guidance around nitrate and phosphate levels in the River Stour, although it is accepted that the way this will be mitigated may well change in the period between the examination in public of the Plan and the commencement of development on site.

Lidsing Garden Community Specialist Studies

2.26 To support the development proposals for this site, the promoter has released additional information around key requirements such as the options for providing a new link from Junction 4 of the M2 Motorway and the detail of potential solutions to land ownership issues in providing a satisfactory internal road layout and local connectivity. In addition, the

promoter has commissioned work to deal with options for mitigating the impacts on the Area of Outstanding Natural Beauty.

Duty to Cooperate - Statements of Common Ground

- 2.27 Maidstone Borough Council, as Local Planning Authority, has been engaged in ongoing, active and effective duty to cooperate with neighbouring authorities and other relevant prescribed bodies. As noted in the above section of the report, this is summarised in an updated Duty to Cooperate Statement.
- 2.28 A Statement of Common Ground (SoCG) for each neighbouring authority and relevant prescribed body will be provided in the appendix to the updated Duty to Cooperate Statement.
- 2.29 Previous, working drafts of the SoCG were published at the Regulation 19 stage of the Local Plan Review. As a result of the representations received at the Regulation 19 consultation and subsequent ongoing engagement, the SoCGs have again been revisited and are provided as Exempt Appendix 1, for agreeing. Given that the SoCGs are draft documents, they still contain various tracked changes and dialogue that is ongoing between officers.
- 2.30 In addition to the above SoCGs, new SoCGs are being progressed with the promoters of the Heathlands Garden Community allocation and The North Downs AONB Unit. A specific SoCG is also being progressed with KCC Minerals and Waste and the Heathlands Garden Community promoters concerning mineral extraction and remediation.
- 2.31 In accordance with the protocol agreed by this Committee, it is intended for the SoCGs to be finalised and signed off following this committee in order that they may form part of the submission documents. Whilst attached as Exempt Appendices, the SoCGs are summarised below.
- 2.32 Kent County Council (KCC) – MBC and KCC are working to progress matters in the draft SoCG. Because of the range of topics covered by the statement with KCC, there remains some outstanding matters which, at the time of writing this report, were still being worked through between the two authorities. Outstanding matters include education, along with transport and air quality, and MBC and KCC have ongoing dialogue to achieve agreement on these issues. Resolution of these matters is close, and will be finalised before submission of the plan to the Secretary of State. Discussions are also ongoing regarding the final wording of the approach to the Leeds Langley corridor.
- 2.33 Additionally, the revised statement sets out where main modifications have been suggested in response to comments arising from the KCC representations made at regulation 19 stage.
- 2.34 Medway Council – The SoCG has been updated and is currently under review by Medway Council.

- 2.35 Swale Borough Council – Only minor changes such as updates to plan status and dates have been made to the draft statement of common ground which was brought before this committee in October 2021.
- 2.36 Ashford Borough Council (ABC) have agreed the draft SoCG. Updates since the SoCG was brought before this committee in October 2021 are minor in nature, and reflect updates to the plan status and dates.
- 2.37 Tonbridge and Malling Borough Council (TMBC) – The SoCG has been subject to minor revisions and has been sent to TMBC for review. It is expected that the revised SoCG will be provided as an urgent update.
- 2.38 Tunbridge Wells Borough Council (TWBC) – MBC and TWBC have a signed statement of common ground which was agreed in October 2021.
- 2.39 Highways England/National Highways (HE) – Updates to the SoCG between the NH and MBC have been made to reflect the updated evidence base and need to further engagement between the bodies. Specifically further work is needed between the bodies with regards to key infrastructure improvements to mitigate the spatial strategy.
- 2.40 Network Rail (NR) – Updates to the SoCG have been made to reflect updates to the evidence base and further work being undertaken with regards the Heathlands Garden Community rail connection.
- 2.41 Natural England – A draft SoCG was brought before committee in October 2021, and this draft updates the statement to reflect comments received by MBC on its Regulation 19 consultation from Natural England. The principal issues of concern in the SoCG are air quality modelling in relation to the North Downs Woodland SAC, nutrient neutrality in the river Stour, and the AONB and its setting. The SoCG sets out the steps MBC has taken to address the main comments raised and is in draft format pending updated evidence. This will be provided as an Urgent Update.
- 2.42 Southern Water (SW) - A SoCG was developed between MBC and Southern Water to tackle to the wastewater treatment issues in the Borough especially the strategic issue of the impact of nutrient neutrality in the River Stour. The SoCG concludes that both bodies will continue to work together to resolved the nutrient neutrality issues in the River Stour and that the overall spatial strategy proposed by the LPR can be accommodated by the wastewater network and the infrastructure interventions outlined in the IDP are appropriate.
- 2.43 Environment Agency – The SoCG agreed at the SPI committee in October 2021 has undergone minor updates to include reference to the policy requirement to limit water use to 110l per person per day.
- 2.44 Kent Downs AONB Unit - Following comments received from the Kent Downs AONB Unit a SoCG has been developed between MBC and them. It seeks to pick up on the work to date around discussions on the impacts that the spatial strategy may have on the AONB and a way forward.

2.45 Heathlands Garden Community Promoters – Since the publication of SoCG’s at the committee in September 2021, it has been agreed that a SoCG be drafted between MBC and the promoters of Heathlands. The SoCG ensures that the interests of all parties are protected while demonstrating commitment from all parties to the emerging scheme.

Main Modifications

2.46 Officers have reviewed the Regulation 19 consultation representations to identify the main issues raised and to establish whether they undermine the overall soundness of the Local Plan Review documents or raise any concerns as to ‘legality’ of the Plan. Consideration has also been given to whether it is necessary and/or appropriate to recommend changes at this time. For clarity, the Local Planning Authority cannot make main modifications following the Regulation 19 public consultation (this is a matter solely in the purview of the Local Plan Inspector). The Local Planning Authority is simply putting forward proposed Main Modifications that will subsequently be considered by an Independent Inspector appointed by the Secretary of State at the Independent Examination. If the Inspector considers they are necessary for soundness or legal and procedural compliance, the Inspector will recommend those modifications as Main Modifications.

2.47 There will be various minor changes to the Local Plan Review documents that will be inconsequential to the soundness or ‘legality’ of the documents. These changes can be made by the Local Planning Authority prior to adoption of Local Plan Review documents. Whilst there is no explanation in national policy or guidance of what might reasonably be categorised as an additional/‘minor’ modification, it is generally accepted that the correction of typos and the updating of document titles, dates and the like can be made as additional/‘minor’ modifications. It is also possible that the addition of contextual material could fall into this category. However, any change that directly affects a plan policy or affects how it would be applied will almost certainly not be an additional/‘minor’ modification. The purpose of this section of the report is to focus on proposed ‘Main Modifications’.

2.48 The Main Modifications would be proposed by the Local Planning Authority on the basis that they would help the Local Plan Review documents to be found sound and legally compliant at Independent Examination. The proposed Main Modifications are provided as Appendix 2. It should be noted that Main Modifications are material changes that may affect the soundness (or ‘legality’) of the Local Plan Review documents.

2.49 Most of the Main Modifications are relatively straightforward and represent opportunities to clarify the Local Planning Authority’s position with regard to specific matters. The following paragraphs provide a summary of the Main Modifications.

2.50 Chapter 1 (Introduction) – no Main Modifications proposed.

2.51 Chapter 2 (Introduction to the Maidstone Borough Local Plan Review) – one Main Modification is proposed to clarify the role of the Marine Management Organisation.

- 2.52 Chapter 3 (Spatial Portrait and Key Local Issues) – no Main Modifications proposed.
- 2.53 Chapter 4 (Spatial Vision and Objectives) – Main Modifications primarily focus on clarifying text. This includes reflecting the requirements of the National Planning Policy Framework and has regard to representations made by Natural England and the Environment Agency, for example.
- 2.54 Chapter 5 (The Borough Spatial Strategy) – In the main, there are no significant changes proposed to this chapter. However, there one Main Modification clarifying a specific point on housing provision following representations from the development industry.
- 2.55 Chapter 6 (Spatial Strategic Policies) –There are Main Modifications proposed to the Policies for Heathlands, Lidsing and Invicta Barracks in order that there is greater clarity regarding the expectations of the Local Planning Authority regarding the delivery of housing and other forms of development, as well as the timings of infrastructure. This is to address various representations that sought greater clarity and certainty regarding the delivery of these schemes. Main Modifications are also proposed to the safeguarding requirements for the Leeds Langley Corridor. This includes refinement of the safeguarded area and providing additional detail regarding minor developments, in light of representations received, including from the development industry and local residents.
- 2.56 Amendments are proposed to some of the Rural Service Centre and Larger Village policies. For example, in Coxheath the policy is clarified by solely referring to Greensand Health Centre, following comments from the CCG.
- 2.57 Another example is the villages of Headcorn, Staplehurst, Yalding and Marden, where the policy update inserting requirements around Ecological Impact Assessments on the River Buelton in response comments received from the Environment Agency.
- 2.58 There is also a settlement boundary clarification for Marden. In Sutton Valence, while the residential unit number remains, the Haven Farm site area is increased to enable provision of a health facility. In Yalding, the Policy is clarified to refer to land North of Kenwood Road only following the consultation. In Coxheath, concerns over the coalescence of Coxheath and Loose/ Linton have resulted in a reversion back to land at Forstal Ln as previously included in the Reg18b version of the Plan.
- 2.59 Chapter 7 (Thematic Strategic Policies) – In respect of the housing policies, the main change is to the affordable housing policy. This includes a clearer requirement for affordable housing within the low value zone and for brownfield development in the mid value zone, as well as clarification of the requirements for First Homes. There is also clarification around provision of evidence of engagement with affordable housing providers. These changes reflect various representations seeking greater certainty around this policy.
- 2.60 The proposed Main Modifications also seek to make clear that the adopted policies for Woodcut Farm, Syngenta and King Street sites will continue to

apply and are not subject to changes. There is, however, additional context provided for both Woodcut Farm and Syngenta sites in terms reference to approved planning permissions at both locations. There is also clarification around the floorspace requirements for specific schemes.

- 2.61 Transport and infrastructure policies are subject to various comparatively minor changes. For example, clarification is provided around what is meant by bus prioritisation along the A274 Sutton Road and the other Maidstone Integrated Package schemes are added, following representations from Kent County Council, for example. There is also clarification around infrastructure provision, including reference to potentially using infrastructure funding towards priorities not listed, following representation from Kent Police. Reference to the Infrastructure Funding Statement is also added, for example.
- 2.62 Following representations from Natural England, for example, there are various Main Modifications to strengthen the Natural Environment Policy (LPRSP14A). For example, Main Modifications are proposed to reference an agreed mitigation strategy for wastewater affecting Stodmarsh protected area. This also includes reference to the Design and Sustainability DPD is also provided and requirements to protect soil from degradation have been added. Additionally, the requirement for biodiversity net gain has been amended to align with clarifications brought about in national policy. Updates to the Climate Change policy LPRSP14(C) also seek to provide clarity regarding qualifying developments and water consumption requirements to bring the wording in line with national standards, following various representations including from developers.
- 2.63 Chapter 8 (Detailed Site Allocation Policies) – Changes made in this Chapter follow from the changes to the Strategic Spatial policies contained in Chapter 6. This includes updating for the aforementioned sites in Sutton Valence, Coxheath and Yalding, as well as the removal of prescriptive employment/retail floorspace requirements at Maidstone Riverside from this policy.
- 2.64 Chapter 9 (Development Management Policies) – Main Modifications removing references to Park and Ride are required following the closure of this facility and this will include removal of Policy LPRTRA3. There is also a Main Modification, for example, seeking to place KCC parking standards as an appendix within the LPR main document, as these are currently being reviewed.
- 2.65 Following a representation from Sports England, requirements to comply with relevant sections of the NPPF and Sports England policy have also been proposed. There are also clarifications around heritage assessment requirements, for example, following representations including from Historic England.
- 2.66 Chapter 10 (Monitoring and Review) – No modifications proposed
- 2.67 Chapter 11 (Appendices) – No modifications proposed

2.68 Policies Map – Changes to the Policies Map largely reflect changes made in Chapters 6 and 8.

Next Steps

- 2.69 Submission of the Local Plan Review documents is scheduled to take place at the end of March 2022. This will include the Regulation 19 Draft for Submission (and Policies Map) documents and the associated evidence base and supporting documents. The evidence base will include plan-wide assessments such as Sustainability Appraisal and viability assessment, as well as topic papers and specialist studies. All of which are published on the Local Plan Review webpages.
- 2.70 Subject to agreement to the recommendations made in this report, the submission documents will also include the updated evidence, Statements of Common Ground and proposed Main Modifications.
- 2.71 At submission, there are a series of requirements that the Local Planning Authority must comply with. This includes, providing the above documents in electronic form and selected documents in paper form, and a statement summarising various matters associated with consultations undertaken under Regulations 18 and 19.
- 2.72 As soon as possible after submission, there are further requirements that the Local Planning Authority must comply with. These include making the Local Plan Review documents available in the borough libraries (the Link remains closed), making the Local Plan Review documents and supporting documents available, and sending out notifications to particular bodies and those who asked to be notified, as well as those on the LDF consultation database. The website will also be updated and public notice released.
- 2.73 Following submission, a Planning Inspector is appointed by the Secretary of State to undertake an Independent Examination of the Local Plan Review documents. This is normally structured via a series of 'matters, issues and questions' that commence shortly after submission and will then lead into the examination hearings themselves.
- 2.74 The examination will focus on the test of soundness mentioned earlier in this report, as well as matters of legal and procedural compliance. As the Local Plan Review progresses through the examination process, proposed Main Modifications will be considered and further Main Modifications generated. These are then consolidated and subject to consultation prior to the Inspector issuing their report.
- 2.75 The above process is led by the Inspector who may require further information, evidence, clarifications and justifications to be produced on short notice. Officers will respond to such requests and keep Members apprised by way of updates to this Committee.

3. AVAILABLE OPTIONS

- 3.1 Option 1 - The list of documents within the evidence base are for noting and no decision is required by this Committee.
- 3.2 Option 2a – The draft Statements of Common Ground (Exempt Appendix 1) are agreed. This would allow the Statements of Common Ground to be finalised and signed, in accordance with the agreed protocol in order that they may be added to the Local Plan Review documents for submission.
- 3.3 Option 2b – Not to agree the draft Statements of Common Ground (Exempt Appendix 1). The Statements of Common Ground are considered necessary to help demonstrate that the Duty to Cooperate has been fulfilled by the Local Planning Authority. Not agreeing them would mean they would not be considered by the examining Inspector, placing increased risk on the outcome of the Local Plan Review examination.
- 3.4 Option 3a – To approve the proposed Main Modifications attached as Appendix 2 to this report, in order that they may be added to the Local Plan Review documents for submission. The proposed Main Modifications are considered necessary to assist with the soundness (and legal and procedural compliance) of the Local Plan Review documents and submission of the proposed Main Modifications would mean they would be considered by the examining Inspector in conjunction with the Local Plan Review documents themselves.
- 3.5 Option 3b – Not to approve the proposed Main Modifications attached as Appendix 2 to this report. The proposed Main Modifications are considered necessary to assist with the soundness (and legal and procedural compliance) of the Local Plan Review documents and to not submit them with the other submission documents would mean they would not be considered by the examining Inspector, placing increased risk on the outcome of the Local Plan Review examination.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 Option 2a is recommended. This would allow the Statements of Common Ground to be finalised and signed, in accordance with the agreed protocol in order that they may be added to the Local Plan Review documents for submission. To not agree them would mean they would not be considered by the examining Inspector, placing increased risk on the outcome of the Local Plan Review examination.
 - 4.2 Option 3a is recommended. The proposed Main Modifications are considered necessary to assist with the soundness (and legal compliance) of the Local Plan Review documents and submission of the proposed Main Modifications would mean they would be considered by the examining Inspector in conjunction with the Local Plan Review documents themselves. To not submit the proposed Main Modifications would place increased risk on the outcome of the Local Plan Review examination.
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5. RISK

- 5.1 The risks associated with these proposals, including the risks if the Council does not act as recommended, have been considered in line with the Council's Risk Management Framework. We are satisfied that the risks associated area within the Council's risk appetite and will be managed as per the Policy.
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6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 As noted previously in this report, submission of the Local Plan Review documents is scheduled to take place at the end of March 2022. This will include the Regulation 19 Draft for Submission documents and the proposed Main Modifications together with the evidence base and supporting documents. The evidence base will include plan-wide assessments such as Sustainability Appraisal and viability assessment, as well as topic papers and specialist studies
- 6.2 Subject to agreement to the recommendations made in this report, the submission documents will also include the updated evidence, Statements of Common Ground and proposed Main Modifications.
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7. REPORT APPENDICES

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

- Exempt Appendix 1: Draft Statements of Common Ground
 - Appendix 2: Proposed Main Modifications to the Local Plan Review documents
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8. BACKGROUND PAPERS

Each of the evidence documents noted above in this report are available by following this link -

https://drive.google.com/drive/folders/1_rqyk7cQWzWL9Zj7JtA4hUF85572LeMS?usp=sharing