

Maidstone Local Development Scheme Update

Timetable	
Meeting	Date
Planning and Healthier Stronger Communities Policy Advisory Committee	3 February 2025
Cabinet (Cabinet Member for Planning Policy and Management)	5 February 2025
Council	19 February 2025

Will this be a Key Decision?	Yes
Urgency	Not Applicable
Final Decision-Maker	Council
Lead Head of Service	Karen Britton, Head of Spatial Planning and Economic Development
Lead Officer and Report Author	Helen Smith, Principal Planning Officer Mark Egerton, Strategic Planning Manager
Classification	Public
Wards affected	All

Executive Summary

The Council is required by the Planning and Compulsory Purchase Act (2004) (as amended) to maintain an up-to-date Local Development Scheme (LDS). The purpose of an LDS is to set out the general scope and timetable for the delivery of Council produced planning policy documents and to inform local people and stakeholders.

In December 2024, central government published reforms to the planning system in England. This included a requirement for Local Planning Authorities to update their Local Development Schemes, to reflect the reforms, and to submit them to the Ministry of Housing, Communities and Local Government (MHCLG) by **6 March 2025**.

This report sets out the proposed changes to the Local Development Scheme in order that the LDS may be submitted to the government by the deadline. It also sets out the consequences of the proposed changes and how these will be managed.

Purpose of Report

Decision

This report asks the Council to approve the following recommendations:

That

1. Officers undertake the required measures to facilitate formal withdrawal of the Design and Sustainability Development Plan Document; and
2. The Local Development Scheme 2025-2027, attached at Appendix 1 to the report, be adopted in order that it may be submitted to MHCLG by the **6 March 2025** deadline.

Maidstone Local Development Scheme Update

1. REASONS FOR RECOMMENDATIONS

- 1.1 The Council is required by the Planning and Compulsory Purchase Act (2004) (as amended) to maintain an up-to-date Local Development Scheme (LDS). The purpose of an LDS is to set out a general scope and timetable for the delivery of Council produced planning documents and to inform local people and stakeholders.
- 1.2 The most recently published Local Development Scheme 2024-2026 was approved by Full Council on 25th September 2024 and took effect the same day. It reflected updates to the delivery timetable for the Gypsy, Traveller and Traveller Showpeople Development Plan Document (DPD), as well as removing the Local Plan Review (LPR) timetable as the LPR was adopted on 20th March 2024. In relation to the Design and Sustainability Development Plan Document (DPD), the LDS stated that an update to the production timetable would be provided in due course. This LDS is now out of date and must be updated in order for the Council to remain compliant with the proposed timetables for plans produced under the current planning system.
- 1.3 As the Council moves from production of the Local Plan Review to focus on its delivery, now represents the ideal time to update the Local Development Scheme to reflect the programme of works intended to strengthen and best support delivery of the LPR. Furthermore, updates to the LDS are now required to respond to national reforms of the planning system and the resultant implications for the production of planning documents. The pertinent reforms and their associated consequences for plan production in Maidstone Borough are set out in the paragraphs that follow.
- 1.4 On the 12 December 2024, central government released an updated National Planning Policy Framework (NPPF)¹, Planning Policy for Traveller Sites (PPTS)², and associated sections of Planning Practice Guidance (PPG)³. This followed a planning reforms consultation which took place between 30th July 2024 and 24th September 2024.
- 1.5 The release of the above material was also accompanied by an update letter⁴ from Joanna Averley, Ministry of Housing, Communities and Local Government (MHCLG) Chief Planner to all Chief Planning Officers on 13th December 2024. This letter instructed that all local planning authorities must produce an updated Local Development Scheme by 6th March 2025. The LDS should include clear, realistic, and specific dates for consultation and

¹ <https://assets.publishing.service.gov.uk/media/675abd214cbda57cacd3476e/NPPF-December-2024.pdf>

²

https://assets.publishing.service.gov.uk/media/675ac5257e419d6e07ce2bb2/Planning_policy_for_traveller_sites_2024.pdf

³ <https://www.gov.uk/government/collections/planning-practice-guidance>

⁴

https://assets.publishing.service.gov.uk/media/675c1cc0b745d5f7a053eed/Planning_update_newsletter_13_December_2024.pdf

submission of Local Plans that are to be produced under the current planning system. Once updated, the LDS is to be made publicly available, and a copy is to be sent to the MHCLG.

1.6 The LDS information required by MHCLG relates only to plans being produced under the current 2004 Act planning system and importantly, these must be submitted to the Secretary of State for examination by December 2026. The implications of this deadline on the Council's new local plan and two emerging Development Plan Documents (DPDs) are set out in turn below.

New Local Plan

1.7 Insofar as producing a new Local Plan is concerned, it is the Council's expressed intention to expediently commence work on a new Local Plan to replace the Local Plan Review (LPR) that was adopted in March 2024. However, a new local plan would not be suitably progressed in time to be submitted for examination by the December 2026 cut-off date to be produced under the current 2004 Act. Instead, it is intended to be produced under the new plan-making system 'as soon as it is brought into force in 2025'. Until further detailed legislation and guidance on the new plan-making process is published by central government, the Council is not in a position to publish a new local plan production timetable as part of an updated LDS.

1.8 It should be noted that notwithstanding this current holding position for the production of an LDS timetable for a new Local Plan, the Council is still able to progress preliminary preparatory work such as initial scoping exercises and drafting of process documents such as the Project Initiation Document (PID), Risk Register, and setting out potential governance structures. This proactive approach will enable the Council to proceed at pace once the full legislative and guidance frameworks are published by central government.

1.9 This leaves the Council with a requirement to update and publish the LDS in relation to the Gypsy, Traveller and Travelling Showpeople DPD and Design and Sustainability DPD only.

Design and Sustainability DPD

1.10 The Council resolved to produce a Design and Sustainability DPD at the former Strategic Planning and Infrastructure Committee in September 2021. Its focus being on non-spatial, Development Management planning policies with the objective of achieving higher quality and more sustainable design across the borough.

1.11 The emerging DPD was most recently subject to a 'Preferred Approaches (Regulation 18b)' public consultation between 28 April and 12 June 2023.

1.12 Since then, the government has made it clear that it intends to continue with its reforms to the planning system and this has been illustrated by the changes to the NPPF and PPG, for example. This presents a moving feast for a wide-reaching document of this nature. Furthermore, the government has

reaffirmed its commitment, as part of the ongoing reforms, to introduce national Development Management policies. These would apply across England and are to be released in 2025, just as the Design and Sustainability DPD policies would be finalised and then submitted for Independent Examination by an Inspector appointed by the Secretary of State.

- 1.13 In light of the above national changes, taking forward this DPD would come with significant risks to the Local Planning Authority, along with significant financial commitments. An alternative approach would be to withdraw this DPD and focus instead on the production of Supplementary Planning Documents (SPDs) that would incorporate key priorities covering Landscape Character and Houses in Multiple Occupation. Twin-tracked with work on Landscape Character, there is also the opportunity to update the borough's Ancient Woodland and Veteran Trees inventory to strengthen their protection – something which may have been out of scope for the DPD alone.
- 1.14 Whilst not having the weight of a DPD, SPDs represent an opportunity for the Council to produce effective guidance that would address local issues specific to Maidstone and the Borough. The SPDs can be prepared more quickly and provide guidance and requirements based on existing Local Plan Review Policies, without the fundamental uncertainty the DPD would face from national planning reforms.
- 1.15 It is therefore proposed that the Design and Sustainability DPD be formally withdrawn. The provision to withdraw an emerging DPD is set out under Section 22 of the Planning and Compulsory Purchase Act 2004. The withdrawal process is then set out under Regulation 27 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended). In summary this will require: making available (online and in hard copy) a statement that the DPD has been withdrawn; sending to each of the bodies notified under regulation 22(3)(b), notification that the DPD has been withdrawn; and ceasing to make any documents relating to the withdrawn DPD available.
- 1.16 Accordingly, if Members agree to withdraw this DPD the Council will comply with the above provisions. Withdrawing this DPD means it will not be included in the new LDS and just for reference, SPDs are also not included in an LDS.

Gypsy, Traveller and Travelling Showpeople DPD

- 1.17 The Gypsy, Traveller and Travelling Showpeople DPD will set out the spatial strategy and strategic policies for meeting Gypsy, Traveller and Travelling Showpeople accommodation needs over the plan period by identifying, safeguarding and allocating sites within the borough. It will also include more detailed site allocation policies and development management policies to be used in assessing applications for Gypsy, Traveller and Travelling Showpeople accommodation. The commitment to produce this DPD was established during the examination of the Local Plan Review (LPR), where the Inspector required the insertion of wording into the LPR, specifically

directing the Council to produce this DPD to meet accommodation needs of the travelling community.

- 1.18 The emerging DPD was most recently subject to a 'Preferred Approaches (Regulation 18b)' public consultation between 31 October and 12 December 2024.
- 1.19 Given the above requirement to produce this DPD, the stage of production and the scale of accommodation need identified in the borough, it is proposed that production of the DPD continues at pace in order to meet the government submission cut-off date of December 2026, in order that it may be examined under the current 2004 Act planning system.
- 1.20 Due to the level of recent responses to the preferred approaches consultation (Regulation 18b), as well as Members' aspirations in respect to affordable pitch provision and commitment to maximising engagement with the community, an additional round of consultation on 'preferred sites' is proposed. This would be 'Regulation 18c' and would afford genuine opportunity to identify and assess additional pitches and sites including the potential for public and transit provision too. To allow sufficient time to produce a comprehensive and robust DPD and to achieve the December 2026 submission deadline, an updated timetable is proposed below showing the key delivery stages:

KEY DELIVERY STAGES	DEADLINE
Initial Call for Sites exercise	2019, 2022, 2023
Scoping/options consultation [<i>Regulation 18(a)</i>]	Feb-Apr 2023
Preferred approaches consultation [<i>Regulation 18(b)</i>]	Oct-Dec 2024
Draft DPD with proposed sites [<i>Regulation 18(c)</i>]	Nov 2025
Proposed Submission Document consultation [<i>Regulation 19</i>]	June 2026
Submission to Secretary of State [<i>Regulation 22</i>]	Dec 2026
Hearing sessions [<i>Regulation 24</i>]	Mar 2027
Main modifications consultation (if required)	Jul 2027
Receipt of Inspectors final report	Nov 2027
Adoption of new Local Plan and associated documents	Jan 2028

- 1.21 If this approach is agreed, the updated LDS to be submitted to MHCLG will include the above timetable and reflect the Council's intention to continue to produce this DPD separate to, and ahead of, a new Local Plan.
- 1.22 See Appendix 1 for the proposed Local Development Scheme 2025-2027.

Summary

1.23 In summary, it is pragmatic for the Council to update the Local Development Scheme, as we move on to strengthening the delivery of the adopted Local Plan Review through a focus on producing additional supporting plan documents. Further, the Council is required to maintain an up to date LDS under the Planning and Compulsory Purchase Act 2004 (as amended), as well as submit an updated LDS to MHCLG by 6 March 2025. The LDS must include any Local Plan documents that are to be submitted to the Secretary of State by December 2026 in order to be examined under the current 2004 Act planning system.

1.24 For Maidstone borough, the updated LDS would therefore only include the detailed production timetable for the Gypsy, Traveller and Travelling Showpeople DPD and would be sent to MHCLG and published on the Council's website by 6 March 2025.

2. ALTERNATIVES CONSIDERED AND WHY NOT RECOMMENDED

Design and Sustainability DPD

2.1 That officers continue to deliver the Design and Sustainability Development Plan Document. This option is not recommended because we are now in the delivery phase of the Local Plan Review which includes the production of Supplementary Planning Documents that may be produced in a timely manner.

Local Development Scheme

2.2 That the Local Development Scheme 2025-2027 is not adopted Under the Planning and Compulsory Purchase Act 2004 (as amended), local planning authorities must maintain an up-to-date LDS. Further, MHCLG have instructed all authorities to submit an updated LDS by 6 March 2025. The current Local Development Scheme 2024-2026 does not reflect the current timescales for the Gypsy, Traveller and Travelling Showpeople DPD and includes a timetable for the Design and Sustainability DPD, which is proposed to be withdrawn; therefore a revised LDS is a required. To not adopt an updated LDS will be contrary to the Planning and Compulsory Purchase Act 2004 (as amended) and would fail to meet the 6 March 2025 submission deadline set by MHCLG.

3. REPORT APPENDICES

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

- Appendix 1: Local Development Scheme 2025-2027

4. BACKGROUND PAPERS

None.