

**Maidstone Local Plan Review: Scoping, Themes & Issues
consultation document (Regulation 18)**

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

Executive Summary

This report introduces the first stage of public consultation for the Local Plan Review. The consultation documents appended provide information on what are expected to be key issues for the Local Plan Review with the purpose of gathering feedback from the public and stakeholders on its content and coverage. The report explains how the Council's Corporate Strategic Plan (2019-2045) and the revised National Planning Policy Framework have been particularly influential on the content of the documents at this stage. The public consultation is scheduled for 10 weeks starting on Friday, 19th July.

Purpose of Report

The matters covered in this report are for decision.

This report makes the following recommendations to this Committee:

That:

1. The Maidstone Local Plan Review Scoping, Themes and Issues document (Regulation 18) in Appendix 1 be agreed for public consultation.
2. The summary document in Appendix 2 be agreed for public consultation
3. Delegated authority be granted to the Head of Planning & Development to finalise the documents for publication.

Timetable

Meeting	Date
Strategic Planning & Infrastructure Committee	25 th June 2019

Maidstone Local Plan Review: Scoping, Themes & Issues consultation document (Regulation 18)

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<p>Impact on Corporate Priorities</p>	<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 4 corporate priorities. The ways that the Local Plan Review can help to do this are set out within the body of the consultation document in Appendix 1.</p>	<p>Rob Jarman (Head of Planning & Development)</p>
<p>Cross Cutting Objectives</p>	<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>Links to the cross cutting objectives are signposted at the start of each section of the main consultation document (Appendix 1).</p>	<p>Rob Jarman (Head of Planning & Development)</p>
<p>Risk Management</p>	<p>The risks associated with this proposal, 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 are within the Council’s risk appetite and will be managed as per the Policy.</p> <p>The Sustainability Appraisal/SEA process provides a check on the overall sustainability of the emerging Local Plan Review, including the testing of the future preferred spatial option against realistic alternatives.</p>	<p>Rob Jarman (Head of Planning & Development)</p>

Financial	Funding has been set aside for the Local Plan Review in the Medium Term Financial Strategy. This includes funding for the specific consultation work described in this report.	Section 151 Officer & Finance Team
Staffing	We will deliver the recommendations with our current staffing.	Rob Jarman (Head of Planning & Development)
Legal	Acting on the recommendations is within the Council's powers as set out in the Town & Country Planning (Local Planning) (England) Regulations 2012. The technical document has had legal input during its preparation.	Russell Fitzpatrick (MKLS)
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.	Policy and Information Team
Equalities	The preferred option will ensure that an inclusive approach is taken to consultation on the Local Plan Review in line with the Statement of Community Involvement. It is important that the consultation process is accessible to all communities including seldom heard groups. 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.	Equalities & Corporate Policy Officer
Public Health	We recognise that the recommendations will have, or have the potential to have, a positive impact on population health or that of individuals. Particular links signposted in the main consultation document (Appendix 1).	Public Health Officer
Crime and Disorder	The recommendation can potentially have a positive impact on Crime and Disorder. as highlighted in the body of the main consultation document in Appendix 1.	Rob Jarman (Head of Planning & Development)
Procurement	On accepting the recommendations, the Council will then follow procurement exercises for document printing. We will complete this exercise in line with financial procedure rules.	Section 151 Officer

2. INTRODUCTION AND BACKGROUND

- 2.1 In July 2018 the Council agreed that it would prepare a Local Plan Review. The Council also agreed a timetable in the form of the Local Development Scheme to achieve adoption of the Local Plan Review by April 2022.
- 2.2 The first milestone in this timetable is an initial stage of public consultation ('Regulation 18' consultation) scheduled to start in July 2019. The purpose of this stage is to get views on what matters the Local Plan Review will need to consider and address i.e. its scope. The relevant regulations¹ specify that, as part of the plan preparation process, we should invite representations about what the local plan ought to contain.
- 2.3 This report presents the consultation material that has been prepared for this stage, namely;
- a. Scoping, Themes & Issues main document (Appendix 1). This is the principal consultation document which sets out in full our consideration of what the Local Plan Review should cover, including a degree of technical content.
 - b. Summary document (Appendix 2). This provides a short overview of the content of the main document, written in plain English.

Content & Structure

- 2.4 The main Scoping, Themes & Issues consultation document (Appendix 1) is structured as follows;
- introductory section explaining what the Local Plan is and why a Local Plan Review is needed;
 - identification of the particular influences on the process and content of the review, including the Duty to Co-operate;
 - discussion of the issues associated with amount, type and quality of new development which the Local Plan Review will need to plan for;
 - presentation of three initial options for how new housing could be distributed in the borough;
 - discussion of the background to each of the technical areas which the Local Plan Review may need to cover. These sections cover a comprehensive suite of matters such as infrastructure provision, biodiversity, landscape protection and climate change; and
 - a 'next steps' section.
- 2.5 At this scoping stage, the document does not draw conclusions on the way forward for any particular matter. Its content is focused on describing the background to the relevant planning matters, signalling forthcoming issues and identifying and inviting possible future considerations. It does not prescribe what the Local Plan Review should conclude on a particular matter as, at this early stage, we do not have the up-to-date evidence base needed to ensure future decisions are soundly-based. Issues raised during the formal consultation stages in addition to the focused input of specialist bodies (for example infrastructure providers) will also inform the future direction and content of the Local Plan Review, as will the revised National

¹ Regulation 18 of the Town & Country Planning (Local Planning) Regulations 2012

Planning Policy Framework and guidance. The preparation of the Local Plan Review is an iterative process and possible options will narrow and refine in response to emerging information and evidence as work on the plan progresses.

- 2.6 There are a number of specific aspects of the document to highlight.
- 2.7 **Maidstone Strategic Plan (2019-2045)** – The council’s Corporate Strategic Plan (the “Strategic Plan”) has directly informed the structure, content and tone of the main consultation document. The Strategic Plan sets four clear, long term priorities – ‘embracing growth and enabling infrastructure’, ‘safe, clean and green’, ‘homes and communities’ and ‘a thriving place’. The Local Plan Review will help to deliver each of these. The first (‘embracing growth and enabling infrastructure’) illustrates the council’s commitment to take control of new development and to shape it so that it can bring benefits for both existing and future residents and businesses.
- 2.8 There is commentary throughout the consultation document explaining how the Local Plan Review contributes to the delivery of the Strategic Plan priorities, outcomes and identified areas of importance for the period 2019-24. Each of the subject areas in the document will also be colour coded according to the Strategic Plan priority/ies which it could help deliver and this graphical approach is illustrated in the sample pages in Appendix 3. Linkages with the four cross-cutting themes in the Strategic Plan are specifically highlighted at the start of each section in the document.
- 2.9 **National Planning Policy Framework (NPPF)²** – The NPPF is an important influence on the Local Plan Review’s content. Compliance with the NPPF is one of the tests for soundness³ against which the Local Plan Review will be measured. Relevant aspects of national policy and guidance have been highlighted throughout the main document - a specific example being the Government’s standard methodology which will result in a significant increase in the annual housing requirement for the borough.
- 2.10 Chapter 3 of the NPPF provides the guiding principles for Plan-making. In particular, the NPPF sets out a list of matters which the strategic policies in the Local Plan should address⁴. Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision (in line with the presumption in favour of sustainable development) for:
- (a) housing (including affordable housing), employment, retail, leisure and other commercial development;
 - (b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);

² The NPPF was first published on 27 March 2012 and updated on 24 July 2018 and 19 February 2019. This sets out the government’s planning policies for England and how these are expected to be applied.

³ Paragraph 35 of the NPPF.

⁴ Paragraph 20 of the NPPF

- (c) community facilities (such as health, education and cultural infrastructure); and
- (d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.

To ensure that all of these are covered at this scoping stage we have included a table in the consultation document showing the relationship between the NPPF matters and the Strategic Plan priorities and outcomes.

- 2.11 **Cross-boundary matters & the Duty to Co-operate⁵** – this is included as a specific section in the main consultation document. As we prepare the Local Plan Review we must ensure that cross boundary issues are being dealt with on an on-going basis and demonstrate this through the preparation of Statements of Common Ground.
- 2.12 The Duty to Co-operate is the subject of a separate, more detailed report on this agenda which identifies the potential cross-boundary issues for the Local Plan Review and the relevant co-operation bodies. This analysis is replicated in the main consultation document so that we can get wider input on our proposed list of issues and participants.
- 2.13 The consultation document also includes a factual discussion on joint working. As a minimum, this must be sufficient to demonstrate compliance with the duty and it can range from shared involvement in evidence gathering all the way to the preparation of a joint Local Plan.
- 2.14 **Initial spatial options** – the consultation document considers the various types and sources of new housing sites and puts forward three initial options for the distribution of the new housing. These are described as;
- A - Maidstone focus,
 - B - Dispersal and
 - C - Focus on planned new settlements and major extensions to existing settlements.

The options are not site-specific as this scoping stage is taking place in advance of any assessment of the Call for Sites submissions. Views are being sought on these initial options and we propose to ask people which combination of options would be appropriate if their favoured option is insufficient to meet needs on its own. Employment options will be developed at a later stage in the review process as we gain a more detailed understanding of both the types and amount of new floorspace that will be needed.

- 2.15 **Infrastructure** – this is given substantial attention in the document which includes sections on transport, utilities, education and health, community infrastructure and parks and open spaces. To get infrastructure planned, funded and delivered we will need to collaborate effectively with infrastructure providers and use the Local Plan Review process to make clear our infrastructure-related expectations of developers.

⁵ Paragraph 21 and 24 - 27 of the NPPF

- 2.16 **Consultation questions** – we have included a set of 7 overarching questions at the start of the consultation document. Framed by the Strategic Plan priorities, these questions ask how the Local Plan Review, and the growth it will enable, can have positive outcomes for the borough as a whole. In the body of the document there are a further 33 questions which relate more closely to its detailed and/or technical content. The last question asks if there are any additional matters which the Local Plan Review could address. Respondents need only answer the questions which are relevant for them.
- 2.17 **Technical areas** – in addition to the commentary on infrastructure, the technical sections also cover the full suite of environmental matters (including biodiversity, climate change, landscape, air quality, flood risk and heritage). There are also specific sections on housing needs (including specialist and affordable housing), economic growth and the town and local centres.

Next steps

- 2.18 **Presentation of the documents** - Subject to the Committee's decision, the consultation documents will be finalised for publication. To enable this, delegated authority is requested for the Head of Planning & Development to finalise the documents. This will comprise;
- a) Formatting the documents to presentation standard, including all graphical content;
 - b) Effecting any changes required by this Committee; and
 - c) Minor wording/structural changes
- 2.19 A sample of the proposed format for the consultation documents is included in Appendix 3.
- 2.20 **Consultation arrangements** - Public consultation is programmed to commence on Friday, 19th July and will run for 10 weeks to Friday 27th September to allow for the summer holiday period. We are working closely with the council's Communications Team to prepare the consultation and associated publicity. The consultation arrangements will comply with the Council's adopted Statement of Community Involvement (2018) and will include;
- publication of consultation documents on MBC's website
 - consultation documents available for viewing in libraries and The Link
 - consultation portal for the submission of on-line comments
 - notifying statutory bodies, stakeholders and everyone on our consultation database
 - public notice in the local newspaper
 - press release/s
 - use of social media to publicise the consultation
- 2.21 In addition, we propose to hold an event with parish councils early in the consultation period to provide an overview of the document, its content and purpose.
- 2.22 The Strategic Planning team will be working on the evidence base for the plan over the summer, including the categorisation and assessment of the

sites submitted during the recent Call for Sites. The outcomes of the evidence gathering and the responses to the Scoping, Themes & Choices documents will feed into the Preferred Approaches consultation stage, scheduled for February 2020.

3. AVAILABLE OPTIONS

- 3.1 The regulations do not prescribe that a consultation document must be produced at this stage. The Committee could elect to meet the consultation requirements through other means.

Option A – *do not produce formal consultation document/s at this stage and meet the regulatory requirements to consult on the scope of the plan through other means.*

- 3.2 This would mean that the regulatory requirement to invite representations on what the Local Plan should contain would have to be achieved through other means. This could include an extended series of open discussions, meetings and other types of engagement where the potential content of the Local Plan Review could be discussed and views sought. These consultation exercises would need to cover all the technical areas. The outcomes of all these events would need to be recorded and, in time, published to demonstrate how the requirement had been met.

Option B – *prepare and consult on scoping-style consultation documents*

- 3.3 This comprises the option set out in this Report. Consultation document/s will be produced setting out the council's starting position on what the scope of the Local Plan Review could be and invite feedback on its scope, including any relevant matters not raised in the document. The matters raised during the consultation period will be collated and published.
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4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 The publication of consultation documents (Option B) provides a useful starting point which interested parties can use as they formulate their views on the content of the Local Plan Review. They provide valuable background information, including highlighting the relationships with the Strategic Plan, to help frame and inform the content of the responses. This is particularly useful as the review is likely to be quite wide ranging. They also help ensure everyone has access to the same level of information and so provide a consistent basis for everyone's responses, whether they are experienced contributors or first time participants. Including a question asking about any relevant matters missing from the documents allows for respondents to make additional points beyond those the council has identified. The documents provide a structure from which responses can be collated, presented and analysed with a view influencing the content of the Local Plan Review. Having consultation documents will also help provide a clearer audit trail in the future for how the feedback received has affected the content and direction of the plan.

- 4.2 The advantages of Option B largely equate to the disadvantages of Option A. Without the context that consultation documents provide, the responses received (via an Option A approach) are likely to be very diverse and to range beyond the remit of a land use plan. Significant resources (time and financial) will need to be devoted to arranging, facilitating and summarising the outputs arising from the range of consultation measures. This will divert the Strategic Planning team from progressing the technical background work which is pivotal to the Local Plan Review process. There is also some risk that the overall consultation process will be perceived as being less transparent compared with that associated with Option B.
- 4.3 **Option B** is the preferred option.
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5. RISK

- 5.1 The risks associated with this proposal, 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 are within the Council's risk appetite and will be managed as per the Policy.
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6. REPORT APPENDICES

- Appendix 1: Maidstone Local Plan Review: Scoping, Themes & Issues consultation document (Regulation 18)
 - Appendix 2: Summary consultation document
 - Appendix 3: Sample pages (graphics)
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7. BACKGROUND PAPERS

Statement of Community Involvement (2018)
https://www.maidstone.gov.uk/_data/assets/pdf_file/0008/266525/Statement-of-Community-Involvement.pdf