

Local Development Scheme 2021-2023

Final Decision-Maker	Full Council
Lead Head of Service	Rob Jarman – Head of Planning and Development
Lead Officer and Report Author	Mark Egerton – Strategic Planning Manager; Anna Ironmonger – Planning Officer
Classification	Public
Wards affected	All

Executive Summary

The Council is currently working to a timetable for delivering the Local Plan Review (LPR) that is set out in the Local Development Scheme 2020-2022 (September 2020 edition). The Council is required by the Section 15 of the Planning and Compulsory Purchase Act (2004) (as amended) to maintain an up to date Local Development Scheme. Changes are proposed to the Local Development Scheme which would, among other changes, see Regulation 19 consultation commencing in October 2021. The revised Local Development Scheme 2021-2023 can be found at Appendix 1. This report sets out the full changes proposed to the Local Plan Review timetable, the reasons for those changes, as well as the implications of the changes. It also seeks a recommendation from this committee to Full Council that the Local Development Scheme 2021-2023 is approved.

Purpose of Report

Decision

This report makes the following recommendations to this Committee:

1. That a recommendation is made to Full Council that the Local Development Scheme 2021-2023 is approved.

Timetable

Meeting	Date
Strategic Planning and Infrastructure	6 July 2021
Council	14 July 2021

Local Development Scheme 2021-2023

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<p><i>The four Strategic Plan objectives are:</i></p> <ul style="list-style-type: none"> • <i>Embracing Growth and Enabling Infrastructure</i> • <i>Safe, Clean and Green</i> • <i>Homes and Communities</i> • <i>A Thriving Place</i> <p>The Local Plan Review (LPR), can contribute to all four objectives.</p> <p>The LPR consultation documents previously agreed by this Committee explain the interrelationship between the Strategic Plan objectives and the LPR.</p>	Rob Jarman Head of Planning and Development
Cross Cutting Objectives	<p><i>The four cross-cutting objectives are:</i></p> <ul style="list-style-type: none"> • <i>Heritage is Respected</i> • <i>Health Inequalities are Addressed and Reduced</i> • <i>Deprivation and Social Mobility is Improved</i> • <i>Biodiversity and Environmental Sustainability is respected</i> <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	<i>Already covered in the risk section</i>	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.	Section 151 Officer & Finance Team]
Staffing	Where possible, the recommendations contained in this report will be managed within existing staff resource.	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)
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. A draft 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 & Section 151 Officer

2. INTRODUCTION AND BACKGROUND

- 2.1 Significant progress has been made on the Local Plan Review, with the key milestone of Regulation 18 Preferred Approaches consultation being met in line with the approved Local Development Scheme 2020-2022 (September 2020 edition).
- 2.2 The Council is required by Section 15 of the Planning and Compulsory Purchase Act (2004) (as amended) to maintain an up to date Local Development Scheme (LDS). Changes to the LDS are proposed which would involve the Local Plan Review (LPR) Regulation 19 consultation commencing in October 2021. The updated LDS is provided as Appendix 1 to this report.
- 2.3 This report sets out the background to the work on the Local Plan Review, provides an update on the Local Plan Review and sets out the nature of changes proposed within the revised LDS.

What is a Local Development Scheme?

- 2.4 The purpose of an LDS is to set out the timetable for the delivery of Council produced planning policy documents and to inform local people and stakeholders. In this case the Local Plan Review.

Why is the Local Plan Review timetable changing?

- 2.5 The previous iteration of the Local Development Scheme 2020-2022 (September 2020 edition) was approved by Full Council on 30th September 2020. The September 2020 edition was produced in response to government proposals to update the standard methodology used to calculate housing need, as well as proposed interim arrangements for the new methodology to come into effect. The changes in methodology would have significantly increased the number of houses the Borough would be required to provide.
- 2.6 In the event, the government did not continue with its proposed update to the standard methodology and reverted to the original standard methodology, meaning that the Council is required to build in the region of 1200 houses per year (updated annually).
- 2.7 Since the Local Development Scheme 2020-2022 (September 2020 edition) came into effect the Regulation 18 Preferred Approaches Consultation has taken place between 1st December 2020 and 8th January 2021. The Council received approximately 3,200 responses to the consultation. A large number of responses related to a variety of key areas in the Local Plan Review. The response to the consultation will help inform the Regulation 19 LPR documents.
- 2.8 Significant progress has been made on the LPR Regulation 19 documents. These are 'draft for submission' documents, meaning that these are the version of the LPR that the Local Planning Authority intends to submit for Independent Examination by an Inspector appointed by the Secretary of State. The progress includes a series of studies and topic papers that will form part of the wider evidence base for the LPR, as well as drafting of the Regulation 19 LPR documents themselves.
- 2.9 There is an inter-relationship between many components of the evidence base. For example, it is important for the implications of one specialist study to inform the potential, broader policies and proposals within the LPR documents. Good examples are transport and air quality modelling, which are feeding into a variety of policies in the Regulation 19 documents.
- 2.10 Officers are also mindful of the need to brief Members on the latest information and proposals, prior to public consultation commencing on the Regulation 19 documents and associated evidence. This includes changes to government policy with regard to affordable housing, with the introduction of First Homes, as well as emerging matters, such as biodiversity net gain.
- 2.11 Once the Regulation 19 documents are subject to publication and consultation, stakeholders, the public and others with an interest in the borough will have the opportunity to consider whether they believe the documents are sound and legally compliant. This is an important series of tests and will provide Maidstone Borough Council, as Local Planning

Authority, important information as it seeks to proceed to submission of the documents and associated evidence base. Indeed, if, following the Regulation 19 consultation, the Council decides to undertake further work and/or consultation on the Local Plan Review, there will be associated time, resource and cost implications.

How is the Local Plan Review timetable changing?

2.12 The Local Development Scheme 2021-2023 will cover the production of the LPR from 2021-2023 (Appendix 1). The proposed changes are as follows:

Draft Local Plan Review Consultation (Regulation 19)	Submission (Regulation 22)	Examination	Main Modification Consultation	Adoption
October-November 2021	March 2022	August-September 2022	November 2022	January 2023

2.13 Whilst the various benefits of changing the LPR production timetable are apparent, not completing the review of the LPR within 5 years of adoption of the 2017 Local Plan is also a consideration.

2.14 In this regard, the Government’s planning practice guidance states, “Policies age at different rates according to local circumstances and a plan does not become out-of-date automatically after 5 years”. The Council has been exceeding its targets for the 5-year housing land supply and 3-year delivery test, making up for previous under-supply and providing evidence that the policies in LP17 remain effective in that respect – a key consideration for decision makers.

2.15 A further consideration is the very small period of time between adoption date of October 2022 set out in the current LDS timetable versus the adoption date of January 2023, set out in the proposed LDS timetable. The 3-month delay is minimal, with the Independent Examination providing clarity to all parties regarding key components of the LPR proposals.

2.16 Indeed, the delays required to meet additional evidence requirements or to extend the length of the LPR Independent Examination would be far greater than the minor changes proposed to the current timetable. Accordingly, whilst it is not possible to eliminate risk from the ongoing, accelerated LPR production process, the slight delay to the Regulation 19 consultation would help keep risks in that regard to acceptable levels.

2.17 The current LDS is out-of-date as it includes a Regulation 19 consultation in June 2021. A note has been placed on the Council’s website letting those with an interest in the Local Plan Review know that the timetable is under review and that a revised LDS is being considered by this committee.

2.18 The Local Development Scheme 2021-2023 will require final approval from Full Council. It is proposed to send a report to Full Council on 14th July

2021. If approved, the revised LDS will come into effect on the same day and will supersede the Local Development Scheme 2020-2022 (September 2020 edition).

3. AVAILABLE OPTIONS

3.1 Option 1: The Local Development Scheme 2021-2023 is approved for adoption by Full Council. The LDS outlines the timetable for delivering the LPR, which has consideration for the Strategic Plan priorities and cross-cutting objectives.

3.2 Option 2: The Local Development Scheme 2021-2023 is not approved for adoption by Full Council. Under Section 15(8) of the Planning and Compulsory Purchase Act 2004 (as amended), local planning authorities must revise an LDS when it is considered appropriate. The current LDS is out-of-date and to not adopt an updated LDS will be contrary to the Planning and Compulsory Purchase Act 2004 (as amended) and would mean that the Local Planning Authority would fail its legal tests for producing the LPR.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

4.1 Option 1 is the preferred option. By adopting the Local Development Scheme 2021-2023 the Council will be compliant with Section 15 Planning and Compulsory Purchase Act 2004 (as amended), in particular Section 15(8) which outlines that local planning authorities must revise an LDS when it is considered appropriate.

5. RISK

5.1 The recommendations contained in this report seek to ensure that the risks associated with the production of the LPR are minimised. The recommendations have regard to the legal requirements of producing an LPR in accordance with an up-to-date LDS and also the desire for the LPR to meet the government tests of soundness at Independent Examination.

5.2 The revised timetable does not eliminate risk of the LPR being found unsound. However, it would help keep risks in that regard to acceptable levels.

6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

6.1 If approved by Full Council, the Local Development Scheme 2021-2023 will be published on the website. The delivery of the Local Plan Review against milestones in the LDS will be monitored through the Authority Monitoring Report, which is published each year.

7. REPORT APPENDICES

Appendix 1: Local Development Scheme 2021-2023

8. BACKGROUND PAPERS

Background document 1: Local Development Scheme 2020-2022 (September 2020 edition) – <https://localplan.maidstone.gov.uk/home/documents/local-plan-review-documents/lpr-progress/Local-Development-Scheme-2020-2022-September-2020-FINAL-VERSION.pdf>