

Maidstone Borough Local Plan 2016 Examination

Statement of Common Ground

As agreed between

Maidstone Borough Council

and

Swale Borough Council

August 2016

INTRODUCTION

1. This Statement of Common Ground has been prepared jointly by Maidstone Borough Council ('MBC') and Swale Borough Council (SBC).
2. This Statement sets out confirmed points of agreement between MBC and SBC on the key cross boundary issues with regard to the Maidstone Borough Local Plan 2016 ('the Local Plan') and its supporting evidence base, with the aim of assisting the Inspector during the Examination of the Local Plan. It should be read in conjunction with the Duty to Co-operate Compliance Statement (SUB 008) which was submitted with the Local Plan and SBC's representation to the Local Plan dated 16th March 2016 (reference R19240).

AGREED MATTERS

3. The following matters are agreed:

Objectively assessed need for housing

4. The Local Plan provides for Maidstone borough's full objectively assessed need for housing at the 1st April 2016 base date within Maidstone borough's boundaries. It is agreed that MBC does not require SBC to accommodate a proportion of its objectively assessed need for housing.
5. The Swale Borough Local Plan Part 1 is currently at Examination. Proposed Main Modifications (June 2016) were published for a 6 weeks period of public closing on Monday 8th August 2016. Main Modification 21 to Policy ST1 affirms the intention that the full objectively assessed need for housing will be met within the Swale housing market area. It is

agreed that SBC does not require MBC to accommodate a proportion of its objectively assessed need for housing within MBC's borough boundaries.

Duty to Co-operate

6. The Duty to Co-operate Compliance Statement (SUB 008) submitted with the Local Plan chronicles the extent and nature of positive engagement with SBC during the preparation of the Local Plan.
7. It is agreed that MBC has fully complied with the Duty to Co-operate with SBC during the preparation of the Local Plan with respect to matters of strategic importance between the two local authorities. Further, the Inspector for the Swale Borough Local Plan (Part 1) has confirmed in her Interim Findings (Part 2, March 2016) that the Duty to Co-operate has been satisfied with respect to cross-boundary strategic issues between the two authorities.
8. It is agreed that the two councils will continue to co-operate and work together on strategic cross-boundary issues.

SBC's representation to the Local Plan

9. SBC submitted representations to the Local Plan. A copy of the representation (R19240) is included in Appendix A.
10. Proposed changes to the Local Plan in response to the representations made at Regulation 19 stage were approved by MBC's Strategic Planning, Sustainability and Transportation Committee on 18th April 2016. The resulting schedule of proposed minor changes (SUB 010) was submitted with the Local Plan. In response to the representation from SBC and others,

the schedule included proposed changes to criterion 8 of Policy RMX1(1) – Newnham Park as set out in the table below.

SBC Representation	MBC Proposed Change to the Local Plan	Reason for the Proposed Change
I note some revision to Policy RMX1 and a requirement to undertake a retail impact assessment to demonstrate no significant adverse impact on town and local centres. In the absence of an updated retail evidence base, I would suggest that this policy wording could perhaps be modified slightly to make it clear that this would need to consider centres which may be located outside Maidstone Borough.	Amend criterion 8 [of Policy RMX1(1)] to read “... no significant adverse impact on town, <i>district</i> and local centres <i>including those in adjoining boroughs</i> ”	To add clarity and accuracy to the Plan.

11. It is agreed that the above proposed changes, if they were confirmed as changes to the Local Plan, would address the issue raised in SBC’s representation with respect to Policy RMX1.

12. SBC’s representation comments that the transport work in support of the Swale and Maidstone Local Plans relevant to A249 corridor should be aligned. MBC has commissioned a study to assess the implications of planned development on the capacity of the M20 junctions 5-8 and to identify any necessary mitigation. It is agreed that MBC and SBC have co-operated to ensure that the study is based on up to date information about proposed development in Swale Borough, including that proposed through the Proposed Main Modifications (June 2016). It is also agreed that, as part of the continuing co-operation between the two authorities, the outputs of the study will be shared with SBC and SBC will share any up to date research it undertakes on the Swale section of the A249 corridor with MBC. Both local planning authorities are also working with Kent Highways and Highways England to achieve a coordinated approach on this matter.

North Kent Environment Planning Group (NKEPG)

13. A small part of Maidstone Borough, within the Kent Downs AONB, lies within 6km of the Medway Estuary and Marshes Special Protection Area. The Local Plan allocates two gypsy and traveller sites (to provide a total of seven pitches) within the 6km zone; no other site allocations are proposed in this area.

14. The Habitats Regulations Assessment (ENV 016) prepared in association with the Local Plan concludes at paragraph 5.4.5 as follows;

The above two site allocations are located south of the M2/A2. In line with findings identified in Point 5 and 6 of paragraph 5.4.2, it is considered unlikely that these residential site allocations will result in likely significant effects resulting from increases in recreational pressure within 6km of the North Kent designated site due to their location south of the M2/A2 and the small provision of new residential development. Further to this, Maidstone Council is not a partner in the NKEPG strategic mitigation package, suggesting that Natural England do not consider Maidstone Borough to be within the core catchment for recreational pressure to the designated sites. This impact pathway can be screened out both alone and in-combination with other projects and plans.

15. Natural England, in its representation to the Local Plan (R19568), advised that this position should be confirmed with the NKEPG authorities which neighbour MBC, namely Medway Council and Swale Borough Council.


16. SBC agrees with paragraph 5.4.4 of the HRA which states that “in line with the NKEPG, development beyond 6km (excluding large sites) and those located south of the M2/A2 can be screened out of assessments and assumed to have no likely significant effect on European sites.”

MATTERS NOT AGREED

17. [none]

AGREEMENT

Signed On behalf of Maidstone Borough Council		
Name & position	Signature	Date
Rob Jarman, Head of Planning & Development	<i>R. LL. Jarman</i>	23/8/2016

Signed On behalf of Swale Borough Council		
Name & position	Signature	Date
Cllr Gerry Lewin, Deputy Leader of Council and Cabinet Member for Planning		22 August 2016

Appendix A

Ms Sue Whiteside

Spatial Policy

Maidstone Borough Council

Maidstone House

King Street

Please ask for: Gill Harris /Alan Best

Direct Tel: 01795 417118

Our Ref:

Your Ref:

Date: 16 March 2016

e-mail: planning@swale.gov.uk

Dear Ms Whiteside

Maidstone Borough Local Plan Regulation 19 (Publication Stage) Consultation February – March 2016

Thank you for the opportunity to comment on this stage of the Maidstone Borough Local Plan.

As you may be aware, the Swale Local Plan has completed an initial round of Examination in Public hearings and within the last couple of weeks have now received a set of Inspector's Interim Findings (attached for information). These will be informing preparation of Proposed Modifications to our plan, which we will be subject to public consultation during summer 2016. However, there are a number of important issues where there is clear guidance, which may be of use in confirming the relationship between the two plans and the cooperation undertaken between us; and possibly a useful reference where the two plans have taken a similar approach to a topic. I have attempted to highlight these where relevant in the comments below.

We would offer the following comments on this stage of the Maidstone Local Plan:

Duty to Cooperate: Swale BC is satisfied that the preparation of the Maidstone Local Plan has been informed by ongoing dialogue and collaborative working on relevant cross boundary matters between the two authorities (I would just reiterate the need to continue this especially in respect of the retail point raised below). This has been confirmed in the Swale Inspector's Interim Findings and I would particularly draw your attention to paragraphs 1-2 of ID/9d attached.

Housing Target and Strategic Housing Market Assessment: Swale BC notes the Objectively Assessed Need (OAN) of 18,560 dwellings (928 per annum) in the Mid Kent SHMA (2014) and that the Maidstone Local Plan sets a housing target commensurate with this and has identified a housing land supply to meet 18,841 dwellings and that Maidstone BC is not looking to Swale BC to meet any part of its housing need.

Although there is a strong journey to work relationship between the two authority areas, Swale BC acknowledges the findings of the Mid Kent SHMA evidence that there is little practical overlap in terms of the housing markets in the two authorities. This is further confirmed in the Swale evidence base (Strategic Housing Market Assessment Part 1 -Sept 2015). This confirms that the Swale housing market area is relatively self contained and other than commuting links has a very weak relationship with the Maidstone housing market area.

The Swale Inspector has concluded (ID/9c para 14) that the Swale methodology and findings of this evidence is robust and in accordance with PPG. The new Swale Local Plan housing target is therefore confirmed as 776 dwellings per annum and the Council has been recommended to modify the plan through making additional housing land allocations to achieve that. Work has already been put in hand to this effect and I can therefore confirm that Swale BC will be seeking to meet this revised housing target within Swale and does not anticipate a need to seek to meet any of this total within the Maidstone area via the duty to cooperate.

In summary, I am of the view that this element of the Maidstone Local Plan is soundly based.

Gypsy and Travellers: Swale BC notes the assessed need of 187 pitches, although queries whether this has been revisited to meet the revised definition of Gypsy and Travellers in the light of the Planning Policy for Traveller Sites August 2015. Swale BC also notes that 81 pitches have been provided; a further 41 allocated through the plan, with the remainder to be provided through windfall planning applications. A similar approach has been endorsed through the Swale Inspector's Interim Findings (ID/9d paras 13-14). Again, we note that both Councils intend to meet identified need within their own plan areas.

Employment: Swale Council notes the expected job expansion across all sectors to be 14,394 jobs in the plan period. We further note that provision to meet the employment need for 208,030 sq metres of employment floorspace is provided for in the Plan (accommodating some 7,933 jobs) and that Maidstone is not seeking any of this need to be met in neighbouring areas.

Retail: Swale Council notes the Maidstone Retail Capacity Study (2013) indicating a need for 23,700 sq metres of comparison floorspace and 6,100 sq metres of convenience floorspace. We note that the first priority for approaching half of this is Maidstone Town Centre, specifically the Maidstone East /Royal Mail site. However, the plan states that this is unlikely to be deliverable until the latter part of the plan period (post 2026). A significant cluster of retail development will therefore be located (and indeed is) already happening at the Newnham Court M20/J7 strategic site. Whilst I do not see any cross reference to Sittingbourne in the evidence base to assess potential impact, we have discussed concerns over the retail proposals at Newnham Court in our regular liaison meetings and the potential for updating the evidence base in this respect. I note some revision to Policy RMX1 and a requirement to undertake a retail impact assessment to demonstrate no significant adverse impact on town and local centres. In the absence of an updated retail evidence base, I would suggest that this policy wording could perhaps be modified

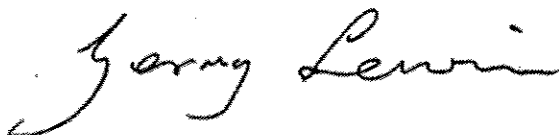
slightly to make it clear that this would need to consider centres which may be located outside Maidstone Borough. We have some reservations about deliverability of the scheme in the short to medium term given the transport issues in the A249 corridor for the reasons set out below.

Transport: Whilst we are content that Maidstone is meeting its own housing and transport needs, we are concerned at the concentration of new employment and commercial activity at Newnham Court (M20/J7) at the southern end of the A249 corridor. This corridor is already subject to severe congestion southbound at peak times and coupled with the scheduled improvements to M2/J5, we query whether deliverability is feasible within the timescales. The Swale Inspector's Interim Findings recommend that the Swale Plan is updated to accord with the Highways England Delivery Plan 2015-20 in respect of M2/J5. Construction is expected to commence in the 2019-20 and we can confirm that the project is being progressed, with scheme options consultation expected during summer 2016. Work is in progress to assess the higher development target Swale is now required to meet and there will be a need for transport work on both plans to link up in respect of this key corridor on the strategic network. Swale BC will be updating this as far as possible through Main Modifications to its local plan, but considers that further updating to the Maidstone Plan (and supporting Integrated Transport Strategy) would also be appropriate; as well as continued liaison to support delivery of both plans in respect of this key strategic infrastructure.

Policy DM3 (Built and Natural Landscapes): Swale BC considers that this policy is trying to cover some very large topic areas in one policy. We query whether the appropriate hierarchical approach to designated and other landscapes and biodiversity commensurate with the NPPF is shown. We also query whether this may result in an inconsistent policy approach to cross boundary designations. The Swale Inspector's Interim Findings has endorsed the use of local landscape policies and separation gaps for development management purposes (given that the local plan can demonstrate that appropriate development land allocations have been made), which may be of interest to you.

I look forward to our ongoing cooperation on local planning matters

Yours sincerely

A handwritten signature in black ink, appearing to read 'Gerry Lewin'. The signature is written in a cursive, flowing style.

Cllr Gerry Lewin
Cabinet Member for Planning

