

MAIDSTONE BOROUGH COUNCIL

RECORD OF DECISION OF THE LEAD MEMBER FOR PLANNING AND INFRASTRUCTURE

Decision Made: 3 November 2022

Statements of Common Ground for Local Plan Review

Issue for Decision

The draft Statements of Common Ground (SoCG) summarises the key strategic matters between Maidstone Borough Council and other bodies. The bodies are Kent County Council (Exempt Appendix 1 and Appendix 2), Medway Council (Exempt Appendix 3), Natural England (Exempt Appendix 4), National Highways (Exempt Appendix 5), Kent Downs Area of Outstanding Natural Beauty Unit (Exempt Appendix 6), the Heathlands site promoters and Kent Downs Area of Outstanding Natural Beauty Unit (Exempt Appendix 7), the Lidsing site promoters and Kent Downs Area of Outstanding Natural Beauty Unit (Exempt Appendix 8), the Defence Infrastructure Organisation (Exempt Appendix 9). In the case of Exempt Appendices 7 and 8, Maidstone Borough Council is a co-signatory with the respective site promoters in addition to having its own separate SoCG with the Kent Downs AONB Unit. The SoCGs relate to the examination of Maidstone Borough Council's Local Plan Review and specifically the Duty to Cooperate obligation, which is an important part of the planning process.

Decision Made

That the Statements of Common Ground set out in Exempt Appendices 2, 6 and 9 of the report, be approved.

Reasons for Decision

- 1.1 Pursuant to s.33A of the Planning and Compulsory Purchase Act 2004 (as amended) when preparing development plan documents local planning authorities and county councils (in two-tier areas) are subject to a legal duty to cooperate with each other, and with other prescribed bodies (as set out in regulation 4 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)), on strategic matters that cross administrative boundaries. In order to demonstrate effective and on-going joint working, the National Planning Policy Framework (NPPF) requires strategic policy making authorities to prepare and maintain one or more statements of common ground (SoCG), documenting the cross-boundary matters being addressed and to describe progress in cooperating to address these.
- 1.2 SoCG are written records of the progress made by strategic policy-making authorities during the process of planning for strategic cross-boundary matters. It documents where effective cooperation is and is not happening throughout the plan-making process and is a way of demonstrating at examination that plans are deliverable over the plan period, and based on effective joint working across local authority boundaries even if there are still matters to be resolved. In the case of local planning authorities, it also

forms a key part of the evidence required to demonstrate that they have complied with the duty to cooperate.

- 1.3 A SoCG may also be used as an effective tool for demonstrating cooperation between the Local Planning Authority and those who play a part in helping deliver their Plan. This is pertinent to the Maidstone Local Plan Review, which was submitted to the Secretary of State for Examination in Public on 31 March 2022. The examination hearings are currently in process. SoCG are being used by the Council to demonstrate legal compliance in terms of the plan-making process, as well as to demonstrate progress in resolving issues of plan soundness that the Planning Inspector is considering following representations made during the Regulation 19 consultation and the examination.
- 1.4 This decision brought to the Committee nine draft Statements of Common Ground. It is noted that in some instances the Council has existing SoCG with the prescribed bodies. The main topic areas or matters addressed by each of the SoCG presented in this report is summarised below, with a focus on key updates to existing SoCG where relevant. It is also important to point out that the SoCG process is iterative and will continue throughout the Local Plan Review examination process. Thus, there may be a need to bring further versions of the attached, or other SoCGs, back to this Committee and to the Lead Member in due course.
- 1.5 The SoCG in Exempt Appendix 1 has been produced by Maidstone Borough Council and Kent County Council. It provides an update to the current SoCG to clarify positions with respect to the timing of education provision at Heathlands Garden Community and recent transport work.
- 1.6 The SoCG in Exempt Appendix 2 has been produced by Maidstone Borough Council and Kent County Council specifically in respect of the latter's role as a Minerals and Waste planning authority. It provides an update to the current SoCG to clarify the position in relation to post extraction re-grading of the Chapel Farm Quarry site in advance of commencement of development of that phase of Heathlands.
- 1.7 The SoCG in Exempt Appendix 3 has been produced by Maidstone Borough Council and Medway Council. It provides an update to the current SoCG with clarifications on matters relating to the proposed allocation at Lidsing. This includes matters of education provision, general impacts on wider Medway services and potential impacts on the Capstone Valley. The SoCG has also been amended to make clearer those matters that are unresolved or where agreement has not been reached.
- 1.8 The SoCG in Exempt Appendix 4 has been produced by Maidstone Borough Council and Natural England. It provides an update to the current SoCG on several matters including air quality, nutrient neutrality and the Kent Downs Area of Outstanding Natural Beauty (AONB). The SoCG reflects updated work undertaken by the Heathlands site promoters (in addressing issues in relation to Natural England guidance on nutrient neutrality) and the Lidsing site promoters (in mitigating potential quality issues on the Kent Downs AONB) in response to findings of the Habitats Regulations Assessment and comments from the Kent Downs Area of Outstanding Natural Beauty Unit.

- 1.9 The SoCG in Exempt Appendix 5 has been produced by Maidstone Borough Council and National Highways. It provides an update to the current SoCG following further transport work and ongoing liaison with National Highways.
- 1.10 The SoCG in Exempt Appendix 6 has been produced by Maidstone Borough Council and the Kent Downs Area of Outstanding Natural Beauty Unit. It provides an update to the current SoCG following additional information on landscape capacity work and proposed mitigations provided by the garden community promoters.
- 1.11 The SoCG in Exempt Appendix 7 has been produced by the Heathlands site promoters and Kent Downs Area of Outstanding Natural Beauty Unit, with the Local Planning Authority as a co-signatory.
- 1.12 The SoCG in Exempt Appendix 8 has been produced by the Lidsing site promoters and Kent Downs Area of Outstanding Natural Beauty Unit, with the Local Planning Authority as a co-signatory.
- 1.13 The SoCG in Exempt Appendix 9 has been produced by the Defence Infrastructure Organisation as site promoters for Invicta Barracks. This version is an update to the SoCG that has already been published (Examination Document reference ED25) and includes a Statement of Intent between the Defence Infrastructure Organisation and Annington Homes, who have a property interest on part of the Invicta Barracks site.
- 1.14 The nine draft SoCG are presented to the Planning and Infrastructure Policy Advisory Committee for its views. However, due to the ongoing nature of negotiations around some issues contained within these documents, there may be circumstances which prevent the full complement of these SoCGs being finalised by planning officers in time for the meeting. Only those draft SoCG made available for the Committee meeting will be subject to a decision.

Previous Consultation and Policy Advisory Committee Feedback

- 2.1 This issue was considered by the Planning and Infrastructure Policy Advisory Committee on 3 November 2022 and the Committee supported the recommendations.

Alternatives considered and why rejected

Option 1 (**PART APPROVED**): That the draft Statements of Common Ground (Exempt Appendices 1-9 or as otherwise presented) are approved. This would allow these documents to be finalised and signed, in accordance with the agreed protocol, in order that they may be published as part of the Council's evidence base for the Local Plan Review examination.

Option 2 (**NOT APPROVED**): That the draft Statements of Common Ground (Exempt Appendices 1-9 or as otherwise presented) be approved, subject to further comments and changes. While this would allow the Statements of Common Ground to be finalised and signed, in accordance with the agreed protocol, it may cause delays or other risks in the Local Plan Review examination

process.

Option 3 (**NOT APPROVED**): That the draft Statements of Common Ground (Exempt Appendices 1-9 or as otherwise presented) are not approved. However, this would mean the documents could not be finalised and signed, thus potentially prejudicing national requirements associated with the production of the Local Plan Review and discharge of the Council's duty to cooperate with other authorities.

Background Papers

None

I have read and approved the above decision for the reasons (including possible alternative options rejected) as set out above.

Signed: 

Lead Member for Planning and Infrastructure

Full details of both the report for the decision taken above and any consideration by the relevant Policy Advisory Committee can be found at the following area of the [website](#)

Call-In: Should you be concerned about this decision and wish to call it in, please submit a call-in form signed by any three Members to the Proper Officer by: **5pm 11 November 2022**