

MAIDSTONE BOROUGH COUNCIL

RECORD OF DECISION OF THE LEAD MEMBER FOR PLANNING AND INFRASTRUCTURE

Decision Made: 13 April 2023

Local Plan Review Statements of Common Ground Update

Issue for Decision

The draft Statements of Common Ground (SoCG) appended to this report summarise the key strategic matters between Maidstone Borough Council and other bodies. The bodies are National Highways (exempt appendix 1), and Natural England (exempt appendix 2).

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:

1. The Draft Statement of Common Ground between Maidstone Borough Council and National Highways, attached as Exempt Appendix 1 to the report, be approved; and
2. The Draft Statement of Common Ground between Maidstone Borough Council and Natural England, attached as Exempt Appendix 2 to the report, be approved.

Reasons for Decision

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.

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.

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. Importantly, the Duty to Cooperate, is not a duty to agree, and it is a legitimate role for SoCG's to also document areas where agreement has not yet been reached, should this be the case.

These SoCG's are 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's 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.

The SoCG in Exempt Appendix 1 to the report has been produced by Maidstone Borough Council and National Highways. It provides an update to the SoCG published in March 2022. It clarifies the highways and transport work to be undertaken before the recommencement of the stage two Local Plan Review examination hearings as requested to National Highways; specifically in relation to the Garden Communities and the proposed Local Plan Review.

The SoCG in Exempt Appendix 2 to the report has been produced by Maidstone Borough Council and Natural England. It provides an update to the SoCG published in November 2022. It clarifies the position with regards to nutrient neutrality in the River Stour and sets out the agreement reached on the approach MBC has adopted to calculating nutrient budgets. There remains a matter surrounding air quality and nitrogen deposition at Boxley Wood. As at the time of writing this report, MBC is in discussions with Natural England in order to resolve air quality matters. The updated position around Air Quality will form the basis of a future iteration of that SoCG.

Alternatives considered and why rejected

Option 1: That the draft Statements of Common Ground (Exempt Appendices 1 & 2) be approved by the Lead Member for Planning & Infrastructure. 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: That the draft Statements of Common Ground (Exempt Appendices 1 & 2) be approved by the Lead Member for Planning & Infrastructure 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: That the draft Statements of Common Ground (Exempt Appendices 1 & 2) are not approved by the Lead Member for Planning & Infrastructure. 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: This decision is urgent as the Local Plan Review Inspector requires the SoCG by the 13 April 2023. It is therefore not subject to call-in (and meets the requirements of Part C3, Rule 7).