

MAIDSTONE BOROUGH COUNCIL

RECORD OF DECISION OF THE LEAD MEMBER FOR PLANNING AND INFRASTRUCTURE

Decision Made: 21 November 2022

Statement of Common Ground for Local Plan Review

Issue for Decision

The draft Statements of Common Ground (SoCG) summarise the key strategic matters between Maidstone Borough Council and other bodies. Both appendices were considered by the Planning and Infrastructure Policy Advisory Committee on 3 November 2022. The SoCG relate to the Heathlands site promoters and Kent Downs Area of Outstanding Natural Beauty Unit (Exempt Appendix 1), and between Maidstone Borough Council and Natural England (Exempt Appendix 2).

Decision Made

1. That the Draft Statement of Common Ground between Maidstone Borough Council, the Heathlands site promoters and Kent Downs Area of Outstanding Natural Beauty Unit, attached as Exempt Appendix 1 to the report, be approved; and
2. That 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

- 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 report brings to the Lead Member of the Planning and Infrastructure two of the draft Statements of Common Ground considered by the PI PAC on the 3 November 2022. 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 has continued throughout the Local Plan Review examination process.
- 1.5 The SoCG in Exempt Appendix 1 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.
- 1.6 The SoCG in Exempt Appendix 2 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.

Alternatives considered and why rejected

Option 1: That the draft Statements of Common Ground (Exempt Appendices 1 & 2) are approved by the Lead Member for Planning and 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; and

Option 2: That the draft Statements of Common Ground (Exempt Appendices 1 and 2) are not approved by the Lead Member for Planning and 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: _____

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke, positioned over a horizontal line.

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 due to the need to be implemented by 9am on 22 November 2022 for the Local Plan Review. Call-In therefore does not apply in accordance with Part C3, 7 – Call-In and Urgency.