

MAIDSTONE BOROUGH COUNCIL

RECORD OF DECISION OF THE CABINET MEMBER FOR PLANNING, INFRASTRUCTURE AND ECONOMIC DEVELOPMENT

Decision Made: 8 December 2023

Statement of Common Ground - Lower Thames Crossing

Issue for Decision

To seek approval of the draft Statement of Common Ground (SoCG) which summarises the key strategic matters between Maidstone Borough Council and National Highways (Exempt Appendix 1 to the report).

This is specifically with respect to the Lower Thames Crossing Development Consent Order proposal, which is currently undergoing independent examination.

Decision Made

That the draft Statement of Common Ground on the Lower Thames Crossing between Maidstone Borough Council and National Highways, attached at Exempt Appendix 1 to the report, be approved.

Reasons for Decision

Pursuant to s.33A of the Planning and Compulsory Purchase Act 2004 (as amended) 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).

SoCG are written records of the progress made by policy-making authorities during the process of planning for strategic cross-boundary matters. They document where effective cooperation is and is not happening throughout the plan-making process. They are 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, SoCG also form 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.

The SoCG sets out the position between National Highways and Maidstone Borough Council regarding the Lower Thames Crossing (LTC) Development

Consent Order (DCO) proposal. The application for the LTC DCO was submitted by National Highways to the Planning Inspectorate in October 2022 and was subsequently accepted for independent examination in November 2022. The examination of the LTC DCO is currently ongoing. National Highways has requested the SoCG and, subject to it being formally agreed, intends to submit the SoCG to the Examining Authority.

It is noted that a SoCG with National Highways on the LTC DCO proposals was previously prepared and then endorsed by the Council (via Lead Member for Planning and Infrastructure) on 21 October 2022. This was countersigned by National Highways on 25 November 2022. At the request of National Highways the endorsed SoCG was retained for internal use only and therefore not submitted to the Examining Authority.

Subsequently, a revised SoCG was prepared during summer to autumn 2023, and this included an updated position on key issues and new evidence introduced by National Highways late in the process. Despite the draft SoCG not being endorsed by the Council, it was submitted by National Highways to the Examining Authority (at Examination Deadline 6) and has been published as part of the LTC DCO Examination Library. Maidstone Borough Council has now written to the Examining Authority via the Planning Inspectorate to request that clarifications are provided in the public record that the draft SoCG is not endorsed by the Council. Officers have also considered the latest updates made by National Highways to the draft SoCG and suggested revised text, which is set out in Exempt Appendix 1 to the report. This text has also been sent to National Highways for their consideration. The aim for the revised SoCG to be agreed by both parties and then forwarded to the Examining Authority as a final published document.

The SoCG notes the position of the Council regarding various components of the LTC, including the need for the project, route alignment, traffic modelling and impacts. It reflects previous formal consultation responses made by the Council on the LTC DCO application and re-asserts its concerns with specific elements of the scheme and the latest evidence base associated with it. Previous consultation and engagement activities are also listed.

There is a separate SoCG between the Council and National Highways in relation to the Maidstone Local Plan Review, which was published as part of the Local Plan Review examination.

There is also a need for urgency for this decision (to waive call-in). The SoCG must be submitted by the deadline set by the Planning Inspectorate for the receipt of new evidence, including Statements of Common Ground, for the examination on the LTC DCO proposals. The next 'Examination Deadline' (i.e. ED9) on 15th December 2023 is the final such deadline programmed, and therefore the last opportunity for the Council to confirm its latest position on the project.

The matter was considered by the Planning Infrastructure and Economic Development Policy Advisory Committee on 7 December 2023 with the following recommendation made, with support expressed for the report recommendation.

Alternatives considered and why rejected

1. Option 2 - That the draft SoCG (Exempt Appendix 1) be approved subject to further comments and changes, which would also need to be agreed by National Highways. While this would allow the SoCG to be finalised and signed, in accordance with the agreed protocol, it may cause delays in submission of the SoCG by National Highways to the Examining Authority for the LTC DCO.
2. Option 3 - That the draft SOCG (Exempt Appendix 1) is not approved. However, this would mean the document could not be finalised and signed, and thus prevent the submission of the SoCG by National Highways to the Examining Authority for the LTC DCO.

These options were rejected, as the SoCG as approved outlines the Council's position regarding various components of the Lower Thames Crossing.

Background Papers

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



Signed: _____
Councillor Paul Cooper, Cabinet Member for Planning, Infrastructure
and Economic Development

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 final deadline to submit new evidence to the Planning Inspectorate for the Lower Thames Crossing DCO proposals is by the 15 December 2023.