

LEAD MEMBER FOR PLANNING AND INFRASTRUCTURE MEETING

Date: Friday 21 October 2022
Time: 2.00 pm
Venue: Maidstone House, King Street, Maidstone

Membership: Councillor Cooper

The Chairman will assume that all Members will read the reports before attending the meeting. Officers are asked to assume the same when introducing reports.

<u>AGENDA</u>	<u>Page No.</u>
1. Minutes of the meeting held on 24 August 2022	1 - 4
2. Minutes of the Urgent meeting held on 15 September 2022	5 - 8
3. To consider whether any items should be taken in private due to the possible disclosure of exempt information	
4. Design and Sustainability DPD Issues and Option	9 - 45
5. Proposal for improvements to King Street Car Park	46 - 54
6. Statements of Common Ground - Soft Sand and Lower Thames Crossing	55 - 61

PART II

To move that the public be excluded for the items set out in Part II of the Agenda, because of the likely disclosure of exempt information for the reasons specified having applied the Public Interest Test.

	Head of Schedule 12A and Brief Description	
7. Exempt Appendices 1 and 2 (Item 17 - Statements of Common Ground - Lower Thames Crossing and Soft Sand) - Draft Statement of Common Ground between Maidstone Borough Council, Kent County Council, East Sussex County Council, Brighton and Hove City Council, West Sussex County Council, and the South Downs National Park Authority; and Draft Statement of Common Ground between Maidstone Borough Council & National Highways	Paragraph 3 – Information relating to the financial or business affairs of any particular individual (including the authority holding that information)	62 - 110

Issued on 13 October 2022

Continued Over/:



Alison Broom, Chief Executive

INFORMATION FOR THE PUBLIC

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MAIDSTONE BOROUGH COUNCIL

LEAD MEMBER FOR PLANNING AND INFRASTRUCTURE

MINUTES OF THE MEETING HELD ON WEDNESDAY 24 AUGUST 2022

Attendees:

Lead Members:	Councillor Cooper (Lead Member for Planning and Infrastructure)
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4. MINUTES OF THE MEETING HELD ON 17 JUNE 2022

RESOLVED: That the Minutes of the meeting held on 17 June 2022 be approved as a correct record and signed.

5. EXEMPT ITEMS

RESOLVED: That all items be taken in public unless any reference is made to Item 4 – Exempt Appendices 1 and 2 to Item 3 – Draft Statements of Common Ground, in which case the meeting would enter into closed session due to the possible disclosure of exempt information.

6. DRAFT STATEMENTS OF COMMON GROUND

See Record of Decision.

7. EXEMPT APPENDICES 1 AND 2 TO ITEM 3: STATEMENTS OF COMMON GROUND

RESOLVED: That the item be considered alongside Item 3 – Statements of Common Ground.

8. DURATION OF MEETING

9.00 A.M. to 9.15 A.M.

MAIDSTONE BOROUGH COUNCIL

RECORD OF DECISION OF THE LEAD MEMBER FOR PLANNING AND INFRASTRUCTURE

Decision Made: Wednesday 24 August 2022

Draft Statements of Common Ground

Issue for Decision

The draft Statements of Common Ground appended to this report summarise the key strategic matters including matters of agreement and disagreement between Maidstone Borough Council and two other bodies regarding the Local Plan Review. The bodies are The Defence Infrastructure Organisation (Exempt Appendix 1) and Kent County Council Minerals Team (Exempt Appendix 2). The report recommends that members recommend for approval these new Statements of Common Ground as set out in the Exempt Appendices. The report has required additional meetings to be called of the Planning and Infrastructure Policy Advisory Committee and Lead Member on the Executive for Planning and Infrastructure, in order that the current protocol for signing off new Statements of Common Ground may be followed.

Decision Made

1. That the draft Statements of Common Ground, attached at Exempt Appendices 1 and 2 to this report, be approved.
2. That the process for agreeing amended and new Statements of Common Ground as set out at Appendix A be noted.

Reason for Decision

- 1.1 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 policymaking authorities to prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and to describe progress in cooperating to address these.
- 1.2 Statements of Common Ground (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. 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 the Plan.
- 1.4 This report brings before the committee two SoCG documents. The first has been produced by Maidstone Borough Council in conjunction with the Defence Infrastructure Organisation (DIO) regarding the site allocation at Invicta Barracks. This is attached to this report as Exempt Appendix 1.
- 1.5 This SOCG sets out information on the evidence underpinning the delivery of this site, provides details of the development proposals and sets out a future programme of joint work which will be undertaken. The Statement then sets out the matters of common ground between the Council, as the plan making authority, and DIO as owner and the lead developer of the site. This SoCG also sets out those limited matters that currently remain unresolved but are being worked on by the parties to find the most appropriate way forward.
- 1.6 The second SoCG is with Kent County Council Minerals Team and details the key issues that have been addressed through ongoing Duty to Cooperate discussions in regard to the Local Plan Review and specifically the proposed Heathlands Garden Settlement. This is attached as Exempt Appendix 2.
- 1.7 This SoCG sets out the role of the respective authorities with particular regard to minerals safeguarding at Heathlands Garden Settlement, with other Kent County Council responsibilities and strategic issues being addressed through a separate (published) SoCG.
- 1.8 Among other matters, this SoCG provides a shared position that, based upon all activities associated with the development of the Heathlands Garden Community, it remains in accord with the KCC Minerals and Waste Local Plan (KMWLP) 2013-30, partially reviewed and adopted in 2020 and the Minerals Sites Plan (KMSP) 2020.

Previous Consultation and Policy Advisory Committee Feedback

- 2.1 This issue was considered by the Planning and Infrastructure Policy Advisory Committee on 15 August 2022 and the Committee supported the recommendations of this report.

Alternatives considered and why rejected

Recommendation 1

- 3.1 Option 1 (APPROVED): That the draft SOCG (Exempt Appendices 1 and 2) are approved by the Lead Member on the Executive for Planning and Infrastructure. This would allow these documents to be finalised and signed, in accordance with the agreed protocol, in order that it may be submitted to the Inspector appointed by the Secretary of State
- 3.2 Option 2 (NOT APPROVED): That the draft SOCG (Exempt Appendices 1 and 2) be approved by the Lead Member on the Executive for Planning and Infrastructure, subject to further comments and changes. While this would allow the Statement of Common Ground to be finalised and signed, in accordance with the agreed protocol (in order that it may be submitted to the

Inspector appointed by the Secretary of State), it would potentially delay the process, meaning that the finalised versions were not signed off by both parties prior to relevant examination hearing sessions.

- 3.3 Option 3 (NOT APPROVED): That the draft SOCG (Exempt Appendices 1 and 2) are not approved by the Lead Member on the Executive for Planning and Infrastructure. However, this would mean the documents could not be finalised and signed, thus failing national requirements associated with the production of the Local Plan Review.

Recommendation 2

- 3.4 Option 1 (NOT APPROVED): That delegated authority be given to the Interim Director (Local Plan Review) to approve new Statements of Common Ground and changes to published Statements of Common Ground, for the duration of the Local Plan Review Independent Examination. This would ensure that future, new and updated SoCG could be signed off in a timely manner that would not be of detriment to the Independent Examination of the Local Plan Review.
- 3.5 Option 2 (NOT APPROVED): That delegated authority not be given to the Interim Director (Local Plan Review) to approve new Statements of Common Ground and changes to published Statements of Common Ground, for the duration of the Local Plan Review Independent Examination. However, this would mean that future, new and updated SoCG could not be signed off in a timely manner with the likelihood of detriment to the Independent Examination of the Local Plan Review. 15
- 3.6 Option 3 (APPROVED): That the Lead Member for Planning and Infrastructure approve new Statements of Common Ground and changes to published Statements of Common Ground, for the duration of the Local Plan Review Independent Examination. The process for these approvals would depend on timescales available and is set out in Appendix A.

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 the report for the decision 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 1 September 2022**

MAIDSTONE BOROUGH COUNCIL

LEAD MEMBER FOR PLANNING AND INFRASTRUCTURE

MINUTES OF THE MEETING HELD ON THURSDAY 15 SEPTEMBER 2022

Attendees:

Lead Members:	Councillor Paul Cooper (Lead Member for Planning and Infrastructure)
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9. EXEMPT ITEMS

RESOLVED: That all items be taken in public, unless the Lead Member for Planning and Infrastructure wishes to specifically refer to Item 3 – Exempt Appendix 1 and 2 to Item 2 – Draft Statements of Common Ground between Maidstone Borough Council and Kent County Council (Minerals), and Maidstone Borough Council and Kent Downs AONB Unit.

10. STATEMENTS OF COMMON GROUND BETWEEN MAIDSTONE BOROUGH COUNCIL AND KENT COUNTY COUNCIL (MINERALS), AND MAIDSTONE BOROUGH COUNCIL AND KENT DOWNS AONB UNIT

That:

1. The Draft Statement of Common Ground between Maidstone Borough Council and Kent County Council Minerals, attached at Exempt Appendix 1 to the report, be approved; and
2. The Draft Statement of Common Ground between Maidstone Borough Council and Kent Downs AONB Unit, attached at Exempt Appendix 2 to the report, be approved.

(See Record of Decision)

11. EXEMPT APPENDIX 1 AND 2 TO ITEM 2 - DRAFT STATEMENTS OF COMMON GROUND BETWEEN MAIDSTONE BOROUGH COUNCIL AND KENT COUNTY COUNCIL (MINERALS), AND MAIDSTONE BOROUGH COUNCIL AND KENT DOWNS AONB UNIT

RESOLVED: That the item be considered alongside Item 2 – Statements of Common Ground between Maidstone Borough Council and Kent County Council (Minerals), and Maidstone Borough Council and Kent Downs AONB Unit.

12. DURATION OF MEETING

9.00 a.m. to 9.28 a.m.

MAIDSTONE BOROUGH COUNCIL

RECORD OF DECISION OF THE LEAD MEMBER FOR PLANNING AND INFRASTRUCTURE

Decision Made: Thursday 15 September 2022

Statements of Common Ground between Maidstone Borough Council and Kent County Council (Minerals), and Maidstone Borough Council and Kent Downs AONB Unit

Issue for Decision

- 1.1 The draft Statements of Common Ground appended to this report summarise the key strategic matters including matters of agreement and disagreement between Maidstone Borough Council and two other bodies regarding the Local Plan Review.
- 1.2 The bodies are Kent County Council Minerals Team (Exempt Appendix 1) and Kent Downs AONB Unit (Exempt Appendix 2).

Decision Made

That:

1. The Draft Statement of Common Ground between Maidstone Borough Council and Kent County Council Minerals, attached at Exempt Appendix 1 to the report, be approved; and
2. The Draft Statement of Common Ground between Maidstone Borough Council and Kent Downs AONB Unit, attached at Exempt Appendix 2 to the report, be approved.

Reason for Decision

- 2.1 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 policymaking authorities to prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and to describe progress in cooperating to address these.
- 2.2 Statements of Common Ground (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. 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.

- 2.3 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 the Plan.
- 2.4 The first SoCG for consideration has been produced by Maidstone Borough Council in conjunction with KCC Minerals Team and this is attached as Exempt Appendix 1 to the report. The second has been produced by Maidstone Borough Council in conjunction with Kent Downs AONB Unit and is attached as Exempt Appendix 2 to the report. Both Statements of Common Ground provide updates matters agreed and not agreed with these organisations regarding the Local Plan Review and associated proposals.

Previous Consultation and Policy Advisory Committee Feedback

3. Due to the urgent nature of the decision, the Planning and Infrastructure Policy Advisory Committee was not able to be consulted. This is in accordance with the Council's Constitution, Part A2, 7.6.2 (g). All Members were informed of the urgent Individual Lead Member decision-making meeting, to consider the two draft Statements of Common Ground.

Alternatives considered and why rejected

- 4.1 Option 1: That the draft SoCG (Exempt Appendices 1 and 2 to the report) are approved by the Lead Member on the Executive for Planning and Infrastructure. This would allow these documents to be finalised and signed, in order that they may be submitted to the Inspector appointed by the Secretary of State.

If agreement is secured, then the risks associated are satisfactorily within the Council's risk appetite and will be managed as per the Policy.

- 4.2 Option 2: That the draft SoCG (Exempt Appendices 1 and 2 to the report) be approved by the Lead Member on the Executive for Planning and Infrastructure, subject to further comments and changes. While this would allow the Statement of Common Ground to be finalised and signed, it would potentially delay the process, meaning that the finalised versions were not signed off by both parties prior to the Inspector's deadline.
- 4.3 Option 3: That the draft SoCG (Exempt Appendices 1 and 2 to the report) are not approved by the Lead Member on the Executive for Planning and Infrastructure. However, this would mean the documents could not be finalised and signed, thus failing national requirements associated with the production of the Local Plan Review.

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 – Cllr Paul Cooper)

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

Call-In Waiver: This is an urgent decision required to fulfil the Planning Inspector's request for both draft Statements of Common Ground to be provided by Friday 16 September 2022, as part of the Local Plan Review. The decision will therefore not be subject to call-in and will be implemented immediately.

LEAD MEMBER FOR PLANNING AND INFRASTRUCTURE

21 October 2022

Design and Sustainability DPD – Scoping, Themes and Issues Consultation

Timetable	
Meeting	Date
Planning and Infrastructure PAC	17 October 2022
Lead Member for Planning and Infrastructure	21 October 2022

Will this be a Key Decision?	No
Urgency	Not Applicable
Final Decision-Maker	Lead Member for Planning and Infrastructure
Lead Head of Service	Phil Coyne, Interim Director (Local Plan Review)
Lead Officer and Report Author	Helen Garnett, Principal Planner (Strategy Planning)
Classification	Public
Wards affected	All

Executive Summary

This report introduces the first stage (Scoping, issues and options) of public consultation for the Design and Sustainability Development Plan Document (DPD). The consultation documents appended provide information on what the Local Planning Authority envisages to be the scope and key issues for the Development Plan Document, with the purpose of gathering feedback from the public and other stakeholders on its content and coverage. The report explains the background to the DPD, its relationship with the Local Plan and Local Plan Review, and what this consultation is seeking to achieve.

The public consultation is scheduled for six weeks starting on 28 October 2022.

Purpose of Report

To provide background to the Design and Sustainability DPD and to outline the contents of the Scoping, Themes and Issues consultation document.

The matters covered in this report are for decision.

This report makes the following recommendations to the Lead Member for Planning and Infrastructure:

1. That the Maidstone Design and Sustainability DPD Scoping, Themes and Issues document (Regulation 18) in Appendix 1 be agreed for public consultation.
2. That the Interim Local Plan Review Director be given delegated authority to finalise the format of Design and Sustainability DPD; Scoping, Themes and Issues Document for presentation to the Lead Member for Planning and Infrastructure, including any corrections required.

Design and Sustainability DPD – Scoping, Themes and Issues Consultation

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> • Embracing Growth and Enabling Infrastructure • Safe, Clean and Green • Homes and Communities • A Thriving Place • Accepting the recommendations will materially improve the Council's ability to achieve corporate priorities. We set out the reasons other choices will be less effective in section 2 [available alternatives]. 	Interim Director (Local Plan Review)
Cross Cutting Objectives	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> • Heritage is Respected • Health Inequalities are Addressed and Reduced • Deprivation and Social Mobility is Improved • Biodiversity and Environmental Sustainability is respected <p>The report recommendation(s) supports the achievement(s) of the cross cutting objectives by delivering sustainable growth.</p>	Interim Director (Local Plan Review)
Risk Management	This is the first iteration of the Design and Sustainability DPD. There is a legal requirement to undertake consultation during the Regulation 18 stage of an emerging Development Plan Document.	Interim Director (Local Plan Review)
Financial	The proposals set out in the recommendation are all within already approved budgetary headings and so need no new funding for implementation.	Section 151 Officer

Staffing	We will deliver the recommendations with our current staffing.	Interim Director (Local Plan Review)
Legal	Acting on the recommendations is within the Council's powers as set out in the Planning and Compulsory Purchase Act 2004 and The Town & Country Planning (Local Planning) (England) Regulations 2012 (as amended). The Council will also need to comply with the Local Development Scheme and the Statement of Community Involvement.	Team Leader (Planning), Mid Kent Legal Services
Information Governance	The recommendations do not impact personal information (as defined in UK GDPR and Data Protection Act 2018) the Council Processes.	Information Governance Officer
Equalities	Accepting the recommendations will ensure that an inclusive approach is taken to consultation on the Design and Sustainability DPD in line with the Statement of Community Involvement. It is important that the consultation process is accessible to all communities including seldom heard groups. A separate, equalities impact assessment will be undertaken for the DPD.	Equalities and Communities Officer
Public Health	We recognise that the recommendations will have a positive impact on population health or that of individuals.	Senior Public Health Officer
Crime and Disorder	The recommendations will have a potentially positive impact by reducing the potential for Crime and Disorder.	Interim Director (Local Plan Review)
Procurement	On accepting the recommendations, the Council will then follow procurement exercises for [listed parts of the action]. We will complete those exercises in line with financial procedure rules.	Section 151 Officer
Biodiversity and Climate Change	The implications of this report on biodiversity and climate change have been considered and align with the actions set out in the biodiversity and climate change action plan.	Biodiversity and Climate Change Manager

2. INTRODUCTION AND BACKGROUND

- 2.1 At its meeting in September 2021 the Strategic Planning and Infrastructure Committee agreed to undertake work to strengthen the Council's 'non-spatial' planning policy framework in order to achieve higher quality and more sustainable design across the Borough, reinforce Development Management decisions, and provide a stronger defence to planning appeals. Since that resolution, the council has commissioned consultants Arup to undertake the production of the Development Plan Document ("DPD").
- 2.2 The DPD will form part of the Development Plan for the Borough, and will sit alongside and build upon the contents of the forthcoming Local Plan Review. The appended document explains the background to the DPD, its relationship with the Local Plan and Local Plan Review. The DPD is required to be in compliance with the National Planning Policy Framework including the test of soundness, and will need also to comply with appropriate legal obligations such as the Duty to Cooperate. It will need to respond to, and help deliver, the relevant aspects of other associated strategies and action plans adopted by the Council, such as the Strategic Plan and Biodiversity and Climate Change Action Plan.
- 2.3 It is a non-spatial policy document, that is it does not seek to allocate new sites or define a strategic direction for growth in the borough. Rather, the policies will be informed by the necessary evidence base and detail required to promote policies to support the negotiation of high-quality design, greater levels of biodiversity and more sustainable development.

Content and Structure of the Consultation Document

- 2.4 The preparation of the Development Plan Document is an iterative process and possible options will be narrowed and refined in response to emerging information and evidence as work on the DPD progresses.
- 2.5 At this scoping stage, the document does not draw conclusions on the way forward for any particular matter. Its content is focused on describing the background to the relevant matters, signalling issues and identifying and inviting possible additional matters for consideration. It does not prescribe what the DPD should conclude on a particular matter, as issues raised during the formal consultation stages, in addition to the focused input of specialist bodies (for example infrastructure providers), will also inform the future direction and content of the DPD and will, at the appropriate time, need to be supported by a robust evidence base.
- 2.6 The consultation document first explains the purpose of the document and purpose of the consultation. A series of questions are posed throughout the document seek to draw out views on the following broad themes:
 - Placemaking
 - Streets and Buildings
 - Open Spaces and Nature
 - Movement
 - Sustainable Buildings
 - Design Quality

- 2.7 The consultation document describes the broad content of each of the themes, setting out the issues surrounding each, and the goal of the DPD in addressing these issues.
- 2.8 The theme of **Placemaking** specifically addresses matters relating to how the DPD can help the council deliver the right mix of uses, create attractive and distinctive identities for new development, and how existing context should be interpreted. This section sets a series of questions to explore the characteristics and features of the built environment valued by residents and consultees and where there might be scope to improve the borough's built environment and street scene.
- 2.9 **Streets and Buildings** deals with multiple elements of the built form, including height and massing, density, block types and building typologies. This theme centres on the role the individual buildings have in collectively shaping the character of public places around them. The questions associated with this theme seek to examine how people interact with such places, whether there are examples of good spaces in the borough, and what the DPD should do to ensure good quality public places.
- 2.10 Moving on to the natural environment and open space, the third theme, **Open Space and Nature**, seeks to cover off matters relating to green infrastructure and sustainable development. It brings together interlinked matters such as Biodiversity Net Gain, SUDS, the provision of open space, landscape and topography. The questions associated with this theme again ask how residents interact with open space, whether there should be better connectivity between open spaces for nature and the benefit of residents, and whether there are good examples of open space within the borough.
- 2.11 The theme on **Movement** picks up on parking provision, landscape design and tree provision, public transport and active travel within the context of publicly accessible spaces. The overarching purpose of this theme in the DPD will be to strike a balance between the needs of users and residents, with a key aim of ensuring that new development support the provision of parking (including EV charging), cycling, pedestrian movement in a way that is framed by strong soft landscaping. Questions in relation to this theme centre on options for movement, the environment provided by new streets, and EV charging and car infrastructure.
- 2.12 **Sustainable Buildings** encompasses matters relating to low carbon buildings, including orientation to manage solar gain, provision of renewable energy in new development, climate resilience, and water capture and re-use. The questions related to this theme centre on what sustainable building features should be sought from new development and whether there are examples of buildings where this has been achieved successfully.
- 2.13 Finally, the theme on **Design Quality** picks up on matters relating to the design and materials of individual buildings and how these features should be framed by local distinctiveness, including developing in or around sensitive landscapes, topographies, and other designations. This theme also addresses matters relating to internal and external space standards and guidance for HMO (houses in multiple occupation) design. Again, the questions relating to

this theme ask for good and bad examples, and whether respondents feel it necessary to set design standards.

2.14 In support of these theme specific questions, the document also asks a set of overarching questions regarding the content and general direction of the DPD.

2.15 Following consultation on this Regulation 18 Scoping, Themes and Issues Document, responses will be analysed and will feed into a further Regulation 18 Preferred Approaches Document. It is expected that consultation on the preferred approaches will take place in Spring 2023, in line with the Local Development Scheme.

Consultation

2.16 Regulation 18 engagement is a requirement under The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), for which the LPA must notify specified persons or bodies regarding what the plan should contain. There is no legal consultation period for this stage of plan preparation. The Statement of Community Involvement ("SCI") however requires a minimum three-week consultation period. Notwithstanding this, to ensure that we encourage significant response levels, and to accord with the LDS, and given that we are not driven by specific timeline targets, it is recommended that it remain open for a period of six weeks.

2.17 Public consultation is programmed to commence on 28 October 2022 and will run to 12th December 2022. Strategic Planning officers are working closely with the Council's Communications team to prepare the consultation and associated publicity with a view to enabling interactive participation where possible, such as the use of mapping software. The Consultation will be undertaken in accordance with the SCI and the Council's Communications and Engagement Strategy.

2.18 The consultation arrangements will include:

- publication of consultation documents on MBC's website and on social media
- consultation documents available for viewing in libraries and The Link
- the creation [or use] of a consultation portal for the submission of on-line comments
- notifying statutory bodies, stakeholders and those persons included on the Council's Strategic Planning consultation database
- public notice in the local newspaper and press release/s

2.19 In addition to the above, as highlighted at para 2.17, officers are exploring ways that consultees can take part in the consultation, or supplement their comments via interactive mapping.

Duty to Cooperate

2.20 As this is a local development document, there is a requirement to meet the Duty to Cooperate as set out in the S.33A of the Planning and Compulsory Purchase Act 2004 (As amended). At this stage the Council has ongoing Duty

to Cooperate with neighbouring authorities, the County Council and those prescribed bodies listed in Part 2 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The Council will seek additional engagement with neighbouring authorities and prescribed bodies to fulfil this duty.

3. AVAILABLE OPTIONS

Recommendation 1:

- 3.1 Option 1A - Proceed with consultation.
This will meet requirements of Local Development Scheme ("LDS"), and the SCI and Regulatory requirements. This is the preferred option.
- 3.2 Option 1B - Agree the consultation with changes
Where changes are proposed, there may be a potential delay to the process, including commencement of the consultation. This will have a knock-on effect for the LDS, meaning a new LDS would have to be produced in order to address changes. The consultation would then take place in accordance with the new timetable as approved by full council.
- 3.3 Option 1C – Do not consult
The council has committed to undertaking a consultation at this stage of the documents production by way of the LDS. Should members choose to not go ahead with the consultation, this would be contrary to the current LDS requirements. In this scenario, proposals will then need to be established for the production of this DPD which would allow engagement with relevant bodies or persons to take place at appropriate stages, in order to meet regulatory requirements. This would also require a new LDS to be created. A new SCI would also need to be produced to accommodate the changes in engagement process.

Recommendation 2:

- 3.4 Option 2A - That the Interim Local Plan Review Director be given delegated authority to finalise the format of Design and Sustainability DPD; Scoping, Themes and Issues Document for presentation to the Lead Member for Planning and Infrastructure, including any corrections required. This will ensure that the consultation document is published and consulted on having been subject to a final review of typographical, grammatical and minor graphic matters.
 - 3.5 Option 2B – That Members don't give members delegated authority to finalise the format. This would mean that these minor changes will need to go through a reporting process, most likely resulting in the need to delay the consultation and the production of a new LDS.
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4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 Options 1A and 2A are recommended. This will ensure that the Design and Sustainability DPD proceeds in accordance with the timetable set out in the approved LDS, and in accordance with the SCI and relevant Regulations.

5. RISK

- 5.1 The risks associated with these proposals, including the risks if the Council does not act as recommended, have been considered in line with the Council's Risk Management Framework. We are satisfied that the risks associated area within the Council's risk appetite and will be managed as per the Policy
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6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 This issue will be considered by the Planning and Infrastructure Policy Advisory Committee on 17 October 2022.
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7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 Following consideration by the PAC, the report will be sent to the Lead Member for Planning and Infrastructure for decision.
- 7.2 If agreed, the consultation will commence at the end of October.
- 7.3 There may be minor work, such as graphics, layout, spelling and grammatical changes required to the consultation documents, and these will be undertaken prior to commencement of the consultation.
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8. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

Appendix 1: Draft Design and Sustainability DPD

DESIGN & SUSTAINABILITY PLAN

Scoping, Themes and Issues Document
(REGULATION 18A) October 2022



Foreword - Setting a new benchmark for quality in Maidstone Borough

I am delighted to introduce you to the Maidstone Design and Sustainability Development Plan Document. I thank you for your time and involvement with this important piece of emerging policy.

Many will be aware of the importance of good design in Maidstone's built environment, and indeed the manner which our non-built environment complements this. This has been high on the Council's agenda for some time. As has the commitment to approaching this in a manner which also addresses long term sustainability and contributes to the Council's overarching ambitions for the quality of the whole environment.

It is the importance of these topics to Maidstone's future that has led to us approaching this as part of a separate and freestanding Development Plan Document (DPD). This will sit alongside our existing Local Plan, which is currently being reviewed, and which will carry the same weight as that Local Plan in terms of planning decisions. This approach allows for long term place-shaping within the Borough.

A further recognition of our commitment to ensuring the Development Plan Document is robust, and really reflects the issues that are important to communities, partner agencies and other stakeholders, is the decision to undertake a separate (Regulation 18A) Scoping Themes and Issues Consultation.

So, rather than us as a Council moving straight to the detail of what we feel are the matters which the Design and Sustainability Development Plan DPD needs to address, we have instead chosen, by way of this consultation, to develop this initially under a

series of the broad themes and headings which we feel are likely to emerge from the work.

This does not mean that we are inviting you only to comment within the confines of the themes and headings identified in the document. On the contrary, you are free to comment on the quite high-level subject areas that are identified at this point, and whether you feel there are issues missing, or indeed which should not be included. Equally, you may choose to respond at a more detailed level in relation to very specific matters which are important to you, and which you feel need to be considered in influencing our borough's built form, environment and approach to the sustainability agenda.

The responses received to this consultation will inform a much more detailed Regulation 18B consultation document in Spring of next year. This will be more developed including a detailed set of proposed approaches designed to reflect, and enable us to deliver, the nature of change which will make Maidstone an even better place to live.

Thank you again for your time, and we look forward to receiving your views.

Councillor Paul Cooper

Lead Member – Planning and Infrastructure

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Introduction

The Purpose of this Development Plan Document

The built and natural environments in Maidstone borough are unique and varied, spanning from characterful historic villages and Areas of Outstanding Natural Beauty to the bustle of Maidstone, the county town. We recognise that these places and landscapes are part of what make the borough special, and that we are all just the custodians for future generations.

Against the backdrop of the biodiversity and climate emergency, we want to preserve the character of these urban and rural areas, whilst promoting the highest design quality and sustainability standards for new homes and neighbourhoods as well as the supporting socio-economic and environmental infrastructure that goes with this. In order to deliver the new development that Maidstone needs, in a form that encourages people to thrive whilst securing the best sustainability credentials, we need to ensure that good quality design and high sustainability lie at the heart of all forthcoming development proposals.

The DPD will embed design and sustainability requirements across a series of geographic scales into adopted planning policy, delivering tangible actions that reflect the borough's declaration of a Biodiversity and Climate Emergency in 2019. The Design and Sustainability DPD will be an illustrated document that will provide residents, developers, and other stakeholders with a clear and consistent understanding of the development standards required to meet policy requirements in Maidstone borough.

The Design and Sustainability DPD will sit alongside the Local Plan Review (LPR) (once adopted), together (along with other documents) driving the

direction of development in the Borough for the next 15 years. The LPR is currently at Examination stage, with anticipated adoption in 2023.

The Design and Sustainability DPD will set a new benchmark for quality of development in Maidstone, helping to deliver the Strategic Plan's priorities.

Further, the DPD will build upon the the Maidstone Strategic Plan (2021 refresh) by aligning closely with the Plan's four priorities:

- Embracing Growth and Enabling Infrastructure
- Safe, Clean and Green
- Homes and Communities
- A thriving place.

The DPD will help deliver outcomes contained within the Strategic Plan (*in italics*). These include:

- *'The Council leads master planning and invests in new places which are well designed'*. The DPD will help to deliver high quality places by requiring that planning applications for new development meet specific design and sustainability standards, for instance those relating to materials, distinctiveness and streetscape. Because this will create new places where people want to be, it will, in turn, produce healthy places that are resilient to climate change, and prosper economically.
- *'An environmentally attractive and sustainable Borough'; 'Everyone has access to high quality parks and green spaces'*. A core ambition of the DPD is to drive up environmental standards of new development. The DPD will aim to ensure

that new development integrates green spaces at every scale and will set standards for Biodiversity Net Gain. We know that access to high-quality open space not only has a positive impact on mental health, but also contributes to reducing the effects of climate change.

- *‘Improving housing through use of our statutory powers to promote good health and wellbeing.’* The DPD will require that new residential development, both internally and as part of a wider scale, meet certain standards which we know help in facilitating a good living standards for inhabitants, for current and future generations.

- *‘Our town and village centres are fit for the future; a vibrant leisure and culture offer, enjoyed by residents and visitors’.* The DPD will prepare the Borough for the future by requiring the highest sustainability standards for new development, for instance, in relation to active travel solutions, passive design and street trees. Vibrancy in new development will be built in via inventive and people-orientated design – required by the DPD.

What is a Development Plan Document and What Does it Do?

A Development Plan Document (DPD) is a planning policy document that makes up a part of a Local Authority's Development Plan. The development plan for an area comprises the combination of strategic and non-strategic policies which are in force at a particular time. Within this DPD, it is envisaged that some policies will be strategic (overall Borough strategy) and some will be non-strategic (area or type of development-specific).

Planning officers will assess planning applications against the policies contained within the Design and Sustainability DPD and it will provide a firmer basis for the negotiation of applications and the defence of planning appeals for approximately 15 years post-adoption.

Development Plans sit at the heart of planning and set out a vision and framework for the development of the area. In Maidstone borough, the Development Plan is formed of the Local Plan, seven adopted Neighbourhood Plans, and the Kent Minerals and Waste Local Plan. The Local Plan is currently being updated and is subject to examination at the time of writing. Once adopted, the Local Plan Review will replace the Local Plan and form part of the Development Plan. The Local Plan sets out the overall strategy for the borough along with a range of non strategic policies, and the Neighbourhood Plans set out planning policies for the development and use of land in a local area.

Ultimately, the Design and Sustainability DPD will form an additional part of Maidstone's Development Plan once adopted (Figure 1, opposite), sitting alongside the Local Plan. All documents that make up the Development Plan have weight in decision-making, and it is a requirement in law that planning decisions must be taken in line with the policies contained within the Development Plan, unless there are material planning reasons which justify an alternative approach.

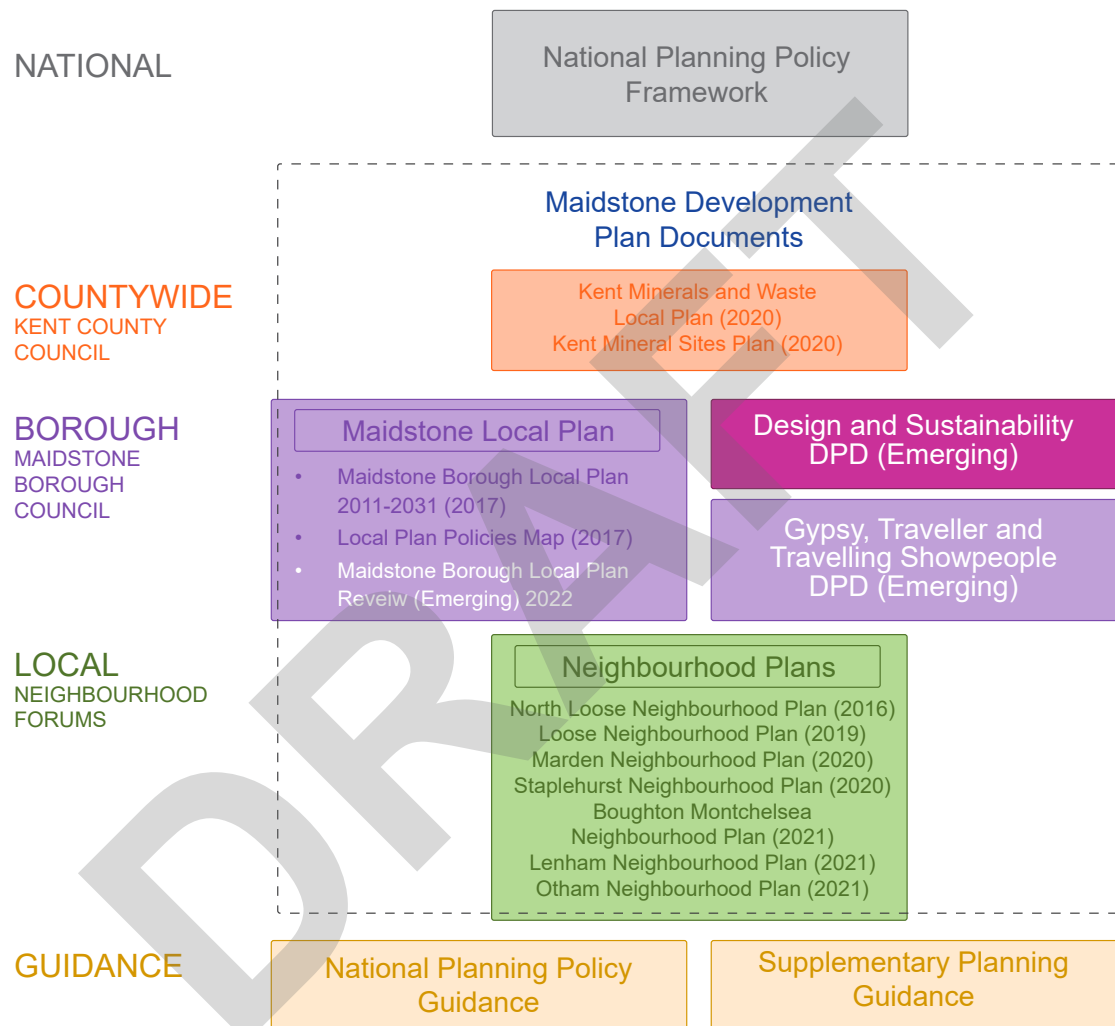


Figure 1: The Planning Policy Framework

Preparation of the DPD: what stage are we at and what are the next steps?

There are several stages of public consultation built into the process of delivering a development plan document. These are set out in the Town and Country Planning (Local Planning) (England) Regulations 2012, as illustrated in Figure 2, below.

The first stage, Regulation 18, specifies that the local authority must notify persons of the subject of the plan and invite them to make representations about what the plan should contain. Regulation 19, the second stage, requires that before submitting a plan to the Secretary of State, the local authority must make the consultees notified as part of Regulation 18 aware of the places and times at which the proposed submission documents can be inspected.

In the preparation of this DPD, Regulation 18 has been divided into two phases, 18a and 18b. The current stage, 18a, is called the Scoping Themes and Issues Consultation and is the first consultation stage of the Design and Sustainability DPD. The purpose of this stage is to set out the key issues of Design and Sustainability the document should address and invite your views. Your comments on this consultation will help us to identify a refined set of themes and issues.

At the next stage, Preferred Approaches Consultation (18b), we will ask for your views on a more developed version of the DPD, where the key issues are expanded and progressed to form proposed policies and supporting text. At Regulation 19 – Draft for Submission – we will publish a final version of the DPD and invite you to make comments on whether you consider it to be justified and compliant with all existing obligations. These

comments will then be submitted to the Secretary of State along with the final DPD for independent examination. This will likely be in 2024.

The Development Plan Document will then be examined to assess whether it has been prepared in accordance with legal and procedural requirements, and whether it is sound. Plans are 'sound' if they are:

- a) Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other local authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- b) Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- c) Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- d) Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.

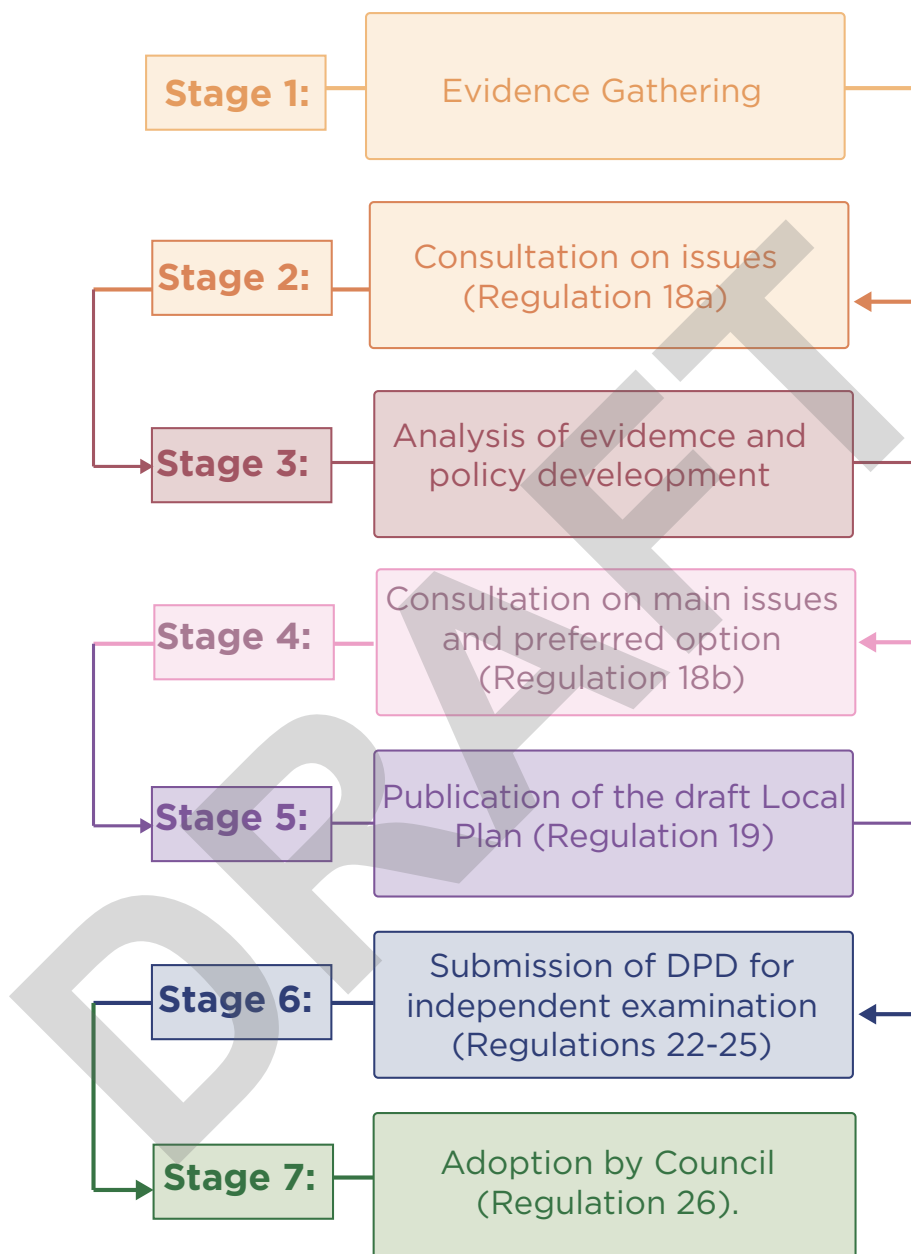


Figure 2: Development Plan Document Process

What are the key cross-boundary issues?

The NPPF states “Local planning authorities and county councils (in two tier areas) are under a duty to co-operate with each other, and with other prescribed bodies, on strategic matters which cross administrative boundaries. It goes to note “Effective and on-going joint working between strategic policy making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy. In particular joint working should help to determine where additional infrastructure is necessary and whether development needs that cannot be met wholly within a particular plan area could be met elsewhere.”

Accordingly, in producing the Design and Sustainability DPD and associated evidence base we will engage with our council neighbours, KCC and statutory organisations on matters which have cross-boundary implications.

The duty to co-operate is an on-going process; joint

working must be effective and ‘deal with strategic, cross-boundary matters rather than defer them’. The purpose of the duty is to ensure that we take account of the implications of our plan for our neighbours and our statutory partners and that they do the same.

The list below highlights what could be considered to be, at this stage, the key strategic issues that will be considered within the Design and Sustainability DPD:

- Water quality and quantity
- Air quality
- Biodiversity Net Gain
- Landscape context

This list is not exhaustive and we welcome any suggestions for additional cross-boundary matters.

Other considerations

National planning policy is outlined in the National Planning Policy Framework (NPPF). The NPPF sets out the government’s policies and how they should be applied, including the preparation of Local Plans. This DPD, along with other documents forming the Development Plan should be created in accordance with the strategies and policies set out in the NPPF.

In addition, the government regularly publishes additional guidance on how to apply policy, and provides best practice for planning and design.

The key government guidance for the production of the Design and Sustainability DPD is the National Model Design Code, which develops the government’s principles of good design to demonstrate how these can be built into local authority’s own planning guidance and policy. This will be used to inform and guide the creation of policies within the DPD.

How can I respond to this consultation?

We are seeking your views. Questions have been included throughout this document or there is a separate response form containing all the questions. You do not need to answer all the consultation questions, just focus on the ones of most interest to you.

Please submit your responses online here: **INSERT LINK** or use the dedicated response form available on our website.

The deadline for your response is **11:59am on 12th December 2022**.

Key questions for consideration:

- How important do you think good design is in new development?
- Would you like to see improved sustainability standards in new development?
- Do you think we have identified all the issues that a Design and Sustainability DPD should consider?
- What should we be aspiring to deliver with the Design and Sustainability DPD?
- Have we identified all the cross-boundary/strategic issues that the DPD should address?
- What do you think should be the end date for the Design and Sustainability DPD? Why?
- What suggestions do you have to add to the content of the Design and Sustainability DPD?

The Issues

The DPD will focus on ensuring that development achieves the great benefits of developing appropriately and sympathetically designed places that achieve ambitious sustainability standards for all forms of development - commercial, community-based, and residential. This in turn improves the quality of life of people of the borough. Design and Sustainability should be considered as central to the characteristics of any new development, which means that proposals will need to rigorously address the needs of people and the environment.

To develop a Development Plan Document that provides guidance and parameters for exemplar design and sustainability, an approach needs to be articulated to each of the elements of the built environment.

Whilst acknowledging that there is overlap and interplay between them, the elements and their definitions are set out below. In the following pages, each theme is outlined with a description of the key issues facing the borough, why they are important, what Maidstone needs to deliver, and the topics that may be considered in the DPD.



Placemaking

This is the process of making places that encourage the right uses and activities in the right places. Placemaking can be understood as the 'software' of a development; it is a social concept that describes the creation of vibrancy and vitality in the places that we've built. Successful placemaking creates a clear purpose through which unique identity can develop over time.

High-quality placemaking should convey a care and attention to detail that encourages people to take ownership and pride of a place, and experience joy and inclusion and identify when in that space.



Streets & Buildings

This is the three-dimensional arrangement of the structures that we build. Streets and buildings can be understood as the 'hardware' of a development, which create a physical relationship between people, structures and services. Successfully designed streets and buildings provide a human-scale environment that feels safe and comfortable for everyone to use, as well as being efficient in a

form that is intuitive to navigate and contains clear visual cues. Highly sustainable forms of building ensure efficient use of land through developments which encourage people to walk or cycle where appropriate. Additionally, these will incorporate the efficient use of resources and energy.



Open Space and Nature

Open spaces serve a variety of very important functions that make our settlements healthy, liveable and desirable. Open space will range from the highly managed - formal parks and squares for example, to the natural and semi- natural spaces in which people are secondary to the natural environment. All types of open space are important for biodiversity and nature-based solutions. Well-designed open spaces are those which are carefully considered in terms of who will use them, how they are likely to evolve over time, how they are accessed and whether the boundaries create suitable enclosure whilst maintaining physical and

visual links to the surroundings. They must also look attractive, with features such as trees and planting that thrive and attract wildlife. Open spaces will provide additional benefits to their primary function, not only for recreation and enjoyment, but part of the natural and ecological infrastructure of the borough. Conserving, enhancing and reinforcing existing natural features will help to create connected green networks through the borough. Exceptional open spaces and a thriving natural environment have a key role to play in the management of water and the delivery of climate adaptation and mitigation in new development.



Movement

The movement network is formed from a connected network of streets, paths and tracks that provide safe, inclusive, accessible and attractive facilities for walking and cycling. The network should provide access to high-quality public transport connections and enable safe freight, delivery, servicing and private vehicle movements where required. High quality movement networks prioritise active and sustainable transport in order to ensure that people can stay connected to local amenities, jobs and services. Additionally the network should minimise

the impact of vehicles the local environment by reducing Greenhouse Gas emissions and can also contribute to healthier communities with improved wellbeing as a result of more active lifestyles. Well-designed movement networks ensure many connections between neighbourhoods and draw on the historic street patterns and desire lines of a place. The hierarchy and layout of well-designed movement networks should work intrinsically with built form and landscape, and seek to prioritise people over the needs of vehicles.



Sustainable Buildings

Sustainable buildings minimise the impact on the environment through approaches to their design, construction, operation. They will also minimise their impact at the end of their life by using materials that are readily re-used. Buildings should provide comfortable and healthy environments for people live, work, and spend time in as well as being intuitive to use and maintain.

Sustainable buildings reduce emissions and contribute to a circular economy by considering carbon consumption of the materials they are made from, the energy sources they are heated and powered by, as well as the ability to re-use or recycle materials at the end of a building's use.



Design Quality

Design quality refers to the articulation and delivery of great buildings and public spaces which enhance Maidstone's distinctive identity, and conveys the aspirations and attention to detail that is characteristic of great places.

Well-designed places are robust, and adaptable; ensuring that buildings and public spaces are durable and have a long lifespan which can evolve with changes to the way people live and work.



Placemaking

The Design and Sustainability Plan should:

Ensure that Maidstone Borough is delivering attractive and distinctive places that people want to live, work and play in, creating safe and secure places where people of all ages want spend time and develop a sense of pride in where they live and work.



Image: Accordia, Cambridge
Credit: Fielden Clegg Bradley Studios

The current issues in the borough include:

The Borough of Maidstone is an attractive place to live, work and spend time. It is important that this continues and is reinforced as new development occurs. The success of this is predicated on the recognition that the borough is made up of a diverse set of places, from the Town Centre of Maidstone, through to remote rural centres and the wider countryside. Strong attachment to places contributes to the positive health and well-being of communities by contributing to feelings of safety, security, inclusion and belonging. It encourages a sense ownership and pride in the places that people live and work. By achieving the right patchwork of opportunities for people to live, work and spend leisure time, the borough will attract and retain people and businesses that will thrive in proximity to one another.

Whilst the aspiration of most development is to provide an environment that is of its place, some development can lack a sense of identity, or a tangible relationship to a place with strong and established character. These developments could have been built anywhere, and fail in their attempts to articulate unique attributes that would generate identity and to provide a recognisable sense of place.

Key to developing a sense of place is the consideration of the relationship between existing and proposed land-use and built-form when

designing a place. Developments often consider these in isolation, leading to dispersed facilities at the edge of communities. These do not contribute to the legibility of a place, and concentrate civic activity at the edges rather than at the heart of new developments.

New developments have a significant role to play in contributing to the continued vibrancy and viability of rural settlements, however, there is a need to ensure these are not designed in a way that creates enclaves which do not encourage the throughput and incidental interaction of new residents with the existing village centres. This can mean the additional benefits of having new developments are not fully capitalised, as new residents bypass existing amenities and continue to rely on places that are not in the immediate locality. Ultimately, this disconnect can lead to a resistance from local people to further new development.

Topics that could be considered within the Placemaking theme:

- Getting the right mix of uses and types in the right places
- Creating attractive and distinctive identity for new development
- Understanding, valuing and interpreting existing context

Key Placemaking questions for consideration:

- Have we identified the key issues related to Placemaking?
- What are the public places/spaces in Maidstone Borough that you enjoy spending time?
- What are the key features of buildings and places that you would like to see reflected in new development?
- What are the elements of The Borough's heritage and identity that make the borough special?
- What do you think the DPD needs to do in order to deliver great places?



Streets and Buildings

The Design and Sustainability Plan should:

Ensure that development in Maidstone Borough is attractive with distinctive and easy to navigate streets and public spaces.



*Image: The Gables, Crosby, Liverpool
Credit: DK-Architects*

The current issues in the borough include:

The Borough of Maidstone has a strong heritage with a stock of well-formed buildings and public spaces. However, historically the borough has also had some large-scale infrastructure that have caused unintended consequences to some areas. There are strong historic cues from which development can draw to create legible, human scale, land efficient, and coherent development proposals which makes effective use of land. A coherent arrangement of buildings promotes walking and cycling which in turn leads to an efficient layout; provides continuity and enclosure which results in clearly defined public and private spaces; and enables legibility with recognisable routes, landmarks, and waypoints.

Without clear relationship between building height and street width, some new streets can be delivered out of scale. This can lead to a lack of human scale to development. This results in an environment that does not encourage walking and leads to vehicle dominance, along with higher vehicle speeds. This can reflect negatively on sense of place, human scale environment and perception of safety.

In some parts of the borough, buildings which are large in terms of height and massing can result in a

sense of over-development. Buildings of significantly large height or scale than the existing context should be carefully designed so as to ensure that consideration has been given surroundings. Additionally, new development can lack a strong building line, or have failed to reflect the route's role and function. A lack of definition between the street edge, property frontages and parking areas can result in developments that lack clearly defined spaces and form, which in turn can result in inappropriate and anti-social parking habits.

Topics that could be considered within the Streets and Buildings theme :

- Block type
- Building typologies
- Heights, massing and building lines
- Densities
- Public and semi-public spaces
- Movement within streets
- Spacing and permeability between buildings

Key Streets and Buildings questions for consideration:

- Have we identified the key issues relating to Streets and Buildings?
- How do you use the streets and buildings in your neighbourhood? How could we encourage greater use of spaces in your neighbourhood?
- Are there examples of great spaces in the borough that you enjoy being in?
- What are the architectural/unique features (locally and across the borough) that you would like to see reflected in new development?
- Do you think the borough should set out clear guidance on how to develop good urban design?



Open Space and Nature

The Design and Sustainability Plan should:

Ensure that Maidstone Borough is integrating green spaces and infrastructure at every scale of design, and that these are making a genuine and significant contribution to the net gain of biodiversity, the causes and effects of climate change, and the health and wellbeing of communities.



*Image: Bottière Chênaie, Nantes, France
Credit: Bruel-Delmar Landscape Architects*

The current issues in the borough include:

The Borough of Maidstone has been shaped by its relationship to the landscape and the natural environment. The North Kent Downs AONB makes up a considerable proportion of the north of the Borough, and parts of the south lie within the setting of the High Weald AONB, with the remainder in the low Wealden landscapes. These are characterised by their intricate network of grassland, woodland, riverine habitats and hedgerow-enclosed agricultural fields. These landscapes provide a strong framework from which to enhance, restore and create new biodiverse habitats, as well as providing amenity and well-being benefits for the borough's residents.

The rich landscape context and character of the borough is in danger of not being sufficiently well interpreted in proposals. There is insufficient analysis and interpretation of the visual impacts of developments. Landscape-led approaches to masterplanning a site, particularly in sensitive landscapes, can ensure and demonstrate that the visual impacts of a development are neutral or positive.

There is a recent trend for developments to deliver open space requirements at the edge of sites. Whilst this may be appropriate in some circumstances, generally this can discourage everyday and incidental use. Landscape and open space, including play space and amenity green spaces, should be the framework within which a new development's design evolves. It should be an integral part of the scheme's design, complementing and enhancing the development and the wider area.

Public spaces should be located so as to maximise their use and amenity value, and not used to create buffer zones and/or barriers between new and existing developments.

An overly-simplistic interpretation of landscape character and local wildlife habitats can mean that opportunities for Biodiversity Net Gain are not being fully realised.

There is a reliance on high flow-rates and over engineered balancing ponds in the delivery of Sustainable Urban Drainage Systems (SuDS). These ponds can be dangerous for people and as such, fenced off and securitised. Where sensitively designed SuDS can support important wet/dry habitats that contribute to a net gain of in biodiversity.

Topics that could be considered within the Open Space and Nature theme:

- Interpreting landscape context
- Responding to topography
- Designing green infrastructure and open spaces as an integral part of place
- Play and informal recreation
- SuDS, drainage, flood risk and water management
- Biodiversity net-gain
- Role of green infrastructure

Key Open Space and Nature questions for consideration:

- Have we identified the key issues related to Open Space and Nature?
- What are the positive elements of Maidstone's natural environment that make the borough special?
- How do you use the open spaces in your neighbourhood or where you work? How would you improve them?
- Is there a good network of open spaces in your neighbourhood and adjacent areas for you to use and to access other places?
- Do you think the borough needs to set out clear guidance on how to deliver new development that fits within the landscape and natural environment?



Movement

The Design and Sustainability Plan should:

Ensure that the Borough of Maidstone is delivering a connected network of streets that prioritises journeys by active and sustainable transport modes, whilst allowing the use of streets for essential private vehicle movements. Maidstone's streets should be attractive and safe for all users with a clear and legible movement hierarchy of primary, secondary and quiet streets.



Image: Castleward, Derby
Credit: HTA Design

The current issues in the borough include:

The Borough of Maidstone comprises a dynamic and varied set of places, with complex patterns of movement related to commuting and other activities. However, the transport system has a high dependence on single occupancy car journeys. Historic development, and road infrastructure has, as in many other areas, reinforced these patterns, which are not unusual in geographies characterised by dispersed population centres outside of the town centre. To ensure that the borough continues to thrive, active and sustainable transport modes should be prioritised and facilities designed into developments from the outset. These routes and facilities should contribute, reinforce or develop the existing local sustainable transport network. This will ensure that a safe, accessible and inviting environment with efficient sustainable transport connections is provided to encourage less car-dependency and reliance, thus safeguarding against future negative impacts to the place, and the environment.

Where developments at the edge of existing settlements rely on a single access point to the wider highway network, enclaves can develop that do not contribute to the legibility and integration of these new developments with their context. Opportunities for new connections via foot or cycle can also be overlooked, both independently and as part of new access points. This can result in some developments being poorly connected or severing surroundings, impacting the permeability and sustainability of new and existing neighbourhoods.

A lack of clear and well-articulated movement and place hierarchy in developments can have a significant impact on how the public realm is used. Properly articulated streets can play an important role in legibility and placemaking, by helping people know where they are, what facilities they provide, and how people can use them to navigate the

space. Where residential streets are not considered as places in their own right, this can create an environment that does not encourage people to spend time in, and navigate on foot or by cycle. This may result in a lack of sense of community and place.

The primacy of designing for private car use has discouraged equal investment in the design and integration of active and public modes of transport. As a result, existing walking and cycling and public transport facilities can be inefficient, unattractive, and ultimately a lower quality option for people to choose to move by. This in turn perpetuates car dominance and associated environmental and health-related consequences in the borough. Current active and sustainable transport networks in the borough are sometimes not considered integrated enough to respond to the climate emergency, transport decarbonisation and emission reduction targets, as well as urban resilience goals, and changing travel trends and patterns.

Topics that could be considered within Movement theme:

- Dedicated active travel infrastructure
- Safe and secure cycle parking
- Public transport integration
- Incorporation of green infrastructure in streets
- Defining the movement hierarchy
- Shared mobility solutions (Cycle hire, mobility hubs, micromobility, car sharing/clubs)
- Charging of electric and low emission vehicles
- Appropriately located and provided car parking design
- Demand responsive public transport solutions in rural settings

Key Movement questions for consideration: •

- Do you think that the built environment provides attractive options to walk and cycle? And what would encourage you to walk or cycle?
- What do you think about the provision of charging points and ability to drive sustainably in your area?
- Do you have a good range of options for moving around the borough that you live in?
- Do you think the borough needs to set out clearer guidance for coordinating different types of transport in new development?

Sustainable Buildings

The Design and Sustainability Plan should:

Ensure that new development in the Borough of Maidstone is delivered with net-zero carbon, and that buildings are able to mitigate the effects and adapt to the rapidly changing climate.



Image: Exhibition Mews, Whitehill Bordon, East Hampshire
Credit: Ash Sakula Architects

The current issues in the borough include:

Maidstone Borough will have to make its buildings more sustainable to lower its carbon footprint and reduce the whole life emissions of carbon to net-zero. There is significant opportunity to improve the built environment and ensure that all new development achieves high standards of sustainable design and construction, minimises carbon emissions and use resources efficiently, and enhancing resilience to a changing climate. Development must change from an assumption of the heating and cooling of buildings using fossil fuels, to harnessing the natural resources of the borough through environmental design and building efficiency. There are important advances in the local production of power through sustainable modes and these can be encouraged and promoted. This would make new (and existing) buildings both more resilient and more sustainable.

To deliver this, the design, development and adaptation of buildings should focus on principles related to the comfort of the occupants, energy supply, and demand and the environmental impact. Passive environmental design can ensure that buildings are heated and cooled naturally, minimising the need for carbon intensive mechanical solutions. Low and zero carbon technologies such as batteries, small scale solar, and heat pumps are reaching a degree of maturity and confidence so that cost effective energy production and storage can meet local requirements. A whole life approach to designing buildings can ensure that the carbon consumption of materials is minimised at design stage, that buildings are suitably insulated, and that at the end of their life materials can be suitably reused and recycled minimising environmental

impacts. And in an area where water is a scarce resource, any opportunity to reduce usage and waste should be exploited through innovative ways of capturing and reusing water.

Materials used in construction are generally carbon intensive in their manufacture meaning there is significant embedded carbon before the buildings are even occupied. There is significant scope to reduce these emissions using sustainable products, locally sourced materials and construction techniques that enable building components to be easily separated and recycled at the end of their design life.

Redevelopment proposals should prioritise the adaptation of existing buildings rather than the demolition and rebuilding on site. There is scope to ensure a 'fabric first' approach to designing buildings, and provide appropriate insulation of properties to minimise the energy consumption necessary for the comfortable occupation of the structure.

Topics that could be considered in the DPD:

- Potential for ground source heat, solar, battery storage low and zero carbon technologies
- Building orientation
- Passive design
- Environmental performance
- Reduction of waste and material use
- Water capture and on-site reuse

Key Sustainable Buildings questions for consideration:

- Do you think it is important and necessary to have sustainable building standards?
- Are you aware of good or bad examples of sustainable building design, either in your neighbourhood or further afield? Please provide examples.
- What are the most pressing sustainability issues you think should be addressed by new development?
- Do you think the borough should set out clear guidance on how to achieve ambitious sustainability criteria in new development?



Design Quality

The Design and Sustainability Plan should:

Ensure the delivery of great buildings and landscapes that are robust and adaptable enough to stand the test of time, enhancing the borough's identity. This includes new homes that have sufficient space to allow for a good standard of living, meeting the needs of current and future lifestyles. Ensure the use of high quality and appropriate materials that last throughout a development's lifespan.



*Image: Horsted Park, Chatham, Medway
Credit: Proctor and Mathews Architects*

The current issues in the borough include:

Maidstone Borough strives to provide a legacy of buildings and landscapes that will stand the test of time, with the use of materials and detailing that draw from the unique heritage of the borough in a coherent and contemporary manner. The quality of a development - be it commercial, community, or residential - is key to the way the overall success of its design is perceived, and subsequently the extent to which the community take ownership of and identify with it.

To ensure that development is viewed as positive and desirable by the communities that it is designed to support, opportunities should be taken to ensure that the design aspirations set out at a project's inception are achieved through its delivery, occupation and ongoing maintenance. In this way, the Borough of Maidstone can continue to provide attractive places that people want to make home.

Often materials are specified for a development at application stage are not being delivered consistently as the site is built out. This can be because the materials being used turn out to be of lower quality than expected, or the materials specification changes throughout delivery phases of a development, leaving an obvious patchwork of design quality and lack of attention to detail across the same site. There are also instances of differing design approaches and articulation of homes for private sale and other affordable types of housing. These can create obvious inconsistencies across development sites.

There are instances where the materials palette is designed to imitate what is perceived as the local vernacular. Whilst this can be successful if very sensitively considered, there is a risk of pastiche if the implementation is not well enough executed or if the quality of materials implemented is lower than the adjacent historic examples.

Development needs to provide adequate space to meet the everyday needs of the residents of the borough, including outdoor space in the form of private gardens and balconies. Consideration of storage space needs to be included in homes to ensure that usable space is maximised.

Topics that could be considered within the D&S DPD:

- Local distinctiveness
- Scale and detailing
- Materials specifications and building quality
- Modern methods of construction
- Quality of internal and external environments (inc. HMOs and office to resi)
- Private open space (gardens and balconies)
- Colour/materials
- Frontages
- Ensuring quality granted is quality delivered

Key Sustainable Buildings questions for consideration:

- Have we identified the issues relating to design quality in the Borough?
- Do you think it is important to set design quality standards for new development in the Borough?
 - What are the unique features of your neighbourhood or further afield that you think contribute to quality of place?
- Can you think of good examples of attention to detail in new developments in your neighbourhood? Please provide examples.
- Do you think the Borough should set out guidance on how to interpret local distinctiveness and materials?
- Do you think that we have appropriately avoided duplication with building regulation requirements? Please specify.

Key Evidence Documents

In addition to the production of key evidence to support the DPD, there are a number of existing documents that will support the Design and Sustainability DPD:

Placemaking

- National Design Guidance
- National Model Design Code
- Maidstone Economic Development Strategy

Streets & Buildings

- National Model Design Code
- Kent Downs AONB Farmstead Guidance; Landscape Design Handbook; Kent Downs AONB Rural Streets and Lanes: a design handbook.
- High Weald Design Guide
- The National Design Guide
- Kent Design Guide
- Kent Downs AONB Unit Renewable Energy Position Statement
- Kent Downs AONB Unit Setting Position Statement
- AONB Management Plans

Open Space and Nature

- Maidstone Landscape Character Assessment
- Maidstone Landscape Character Assessment Supplement 2012
- Maidstone Landscape Capacity Study
- Medway Valley Strategic Landscape Enhancement Plan
- Maidstone Landscapes of local Value
- AONB Management Plans
- Maidstone Climate Change and Biodiversity Strategy
- Maidstone Climate Change and Biodiversity Action Plan
- Maidstone Green and Blue Infrastructure Strategy
- Kent Water for Sustainable Growth (2017)
- Kent Environment Strategy (2016)
- Kent Biodiversity Strategy (2020-2045)

Movement

- Gear Change – a Bold Vision for Cycling and Walking
- Gear Change: One Year On
- The second cycling and walking investment strategy (CWIS2)
- LTN 1/20 Design of Cycling Infrastructure
- National Planning Policy Framework
- National Model Design Code
- Decarbonising Transport A Better, Greener Britain
- Bus Back Better: national bus strategy for England
- Streets for a Healthy Life (Homes England)
- Manual for Streets 1 and 2
- Future of Freight Plan: a long term plan
- Maidstone Transport Strategy 2011-2031
- Kent County Council Local Transport Plan 4: Delivering Growth without Gridlock 2016-2031,
- Kent Downs AONB Rural Streets and Lanes: a design handbook.

Sustainable Buildings

- Kent Water for Sustainable Growth
- Maidstone Climate Change and Biodiversity Strategy
- Maidstone Climate Change and Biodiversity Action Plan
- Kent and Medway Energy and Low Emissions Strategy (2020)
- Climate Change Risk and Impact Assessment for Kent and Medway (2019)
- Kent Renewable Energy Action Plan (Updated 2017)
- Kent Environment Strategy (2016)
- Kent Downs AONB Unit Renewable Energy Position Statement
- Breeam
- Passivhaus

Design Quality

- Building for Life 12: Maidstone Edition
- National Model Design Code
- Kent Downs AONB Farmstead Guidance
- Kent Downs AONB Landscape Design Handbook
- Kent Downs AONB Rural Streets and Lanes: a design handbook.
- High Weald Design Guide
- The National Design Guide
- Kent Design Guide
- Nationally Prescribed Space Standards

- **Have we identified the key evidence base documents?**



Agenda Item 5

Lead Member for Planning and Infrastructure

21 October 2022

King Street Car Park Improvements

Timetable	
Meeting	Date
Planning and Infrastructure PAC	Monday 17 October 2022
Lead Member for Planning and Infrastructure	Friday 21 October 2022

Will this be a Key Decision?	No
Urgency	Not Applicable
Final Decision-Maker	Lead Member for Planning and Infrastructure
Lead Head of Service	William Cornall, Director of Regeneration and Place
Lead Officer and Report Author	Jennifer Stevens, Head of Environment and Public Realm
Classification	Public
Wards affected	High Street Ward

Executive Summary

The purpose of this report is to outline the proposals for improvements to King Street Car Park to improve the visual appearance of the site whilst still maintaining the biodiversity value.

The Planning and Infrastructure Policy Advisory Committee is asked to consider the proposal and provide a recommendation to the Lead Member of the Executive for Planning and Infrastructure.

Purpose of Report

Recommendation

The report makes the following recommendation to the Lead Member for Planning and Infrastructure:

1. That the proposed Planting and Maintenance Scheme to improve the King Street Car Park, as detailed in section 2 of the report, be approved.

King Street Car Park Improvements

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> • Embracing Growth and Enabling Infrastructure • Safe, Clean and Green • Homes and Communities • A Thriving Place <p>The proposals within this report support the Council's objectives for a <i>Safe Clean and Green</i> environment as well as <i>Embracing Growth and Enabling Infrastructure</i>. The improvements are designed to improve the visual appeal of the car park which is a key part of the Town Centre's parking infrastructure as well as maintaining and improving biodiversity value and recognising operational constraints.</p>	Head of Environment and Public Realm
Cross Cutting Objectives	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> • Heritage is Respected • Health Inequalities are Addressed and Reduced • Deprivation and Social Mobility is Improved • Biodiversity and Environmental Sustainability is respected <p>The report recognises the importance of enhancing biodiversity in a key Town Centre location.</p>	Head of Environment and Public Realm
Risk Management	Already covered in the risk section – if your risk section is more than just a paragraph in this box then you can state 'refer to paragraph ... of the report'	Head of Environment and Public Realm
Financial	The proposals set out in the recommendation are all within already approved budgetary headings and so need no new funding for implementation.	Finance Manager

Staffing	We will deliver the recommendations with our current staffing.	Head of Environment and Public Realm
Legal	There are no legal implications arising from the report	Senior Lawyer (Planning) Mid Kent Legal Services
Information Governance	The recommendations do not impact personal information (as defined in UK GDPR and Data Protection Act 2018) the Council Processes.	Information Governance Team – either Anna, Georgia or Lauren to review and approve.
Equalities	The recommendations do not propose a change in service therefore will not require an equalities impact assessment	Equalities & Communities Officer
Public Health	We recognise that the recommendations will not negatively impact on population health or that of individuals.	Head of Environment and Public Realm
Crime and Disorder	Whilst the proposal is unlikely to have any significant impact on crime and disorder, it is recognised that improved maintenance regimes can have a positive impact on reducing anti-social behaviour.	Head of Environment and Public Realm
Procurement	The work will be carried out internally so there is no procurement requirement.	Head of Environment and Public Realm
Biodiversity and Climate Change	The implications of this report on biodiversity and climate change have been considered and align with the actions to enhance and increase biodiversity in the borough and town centre.	Biodiversity and Climate Change Manager

2. INTRODUCTION AND BACKGROUND

- 2.1 In 2013, the King Street multi-storey car park was replaced with an open-air short stay car park in the heart of the town centre. The car park is considered a prime location for visitors to the County Town due to its proximity to Town Centre shops and restaurants.
- 2.2 King Street Car Park has 53 bays which generate on average £5,150 per bay per year.
- 2.3 However, since its redevelopment, the car park has lacked a managed planting scheme and has largely been left to grow wild. Whilst this offers some benefit for biodiversity and habitat creation, complaints have been received about the impression this unkempt and unstructured appearance gives to visitors. The pictures below show the overgrown vegetation along the boundary with Church Street and along the back of the car park.



Image 1: Current condition of King Street Car Park

- 2.4 The aim of this project is to improve the visual appearance of the car park whilst maintaining biodiversity value and minimising ongoing maintenance costs. The site itself offers a number of challenges including the steep slopes, the southerly aspect and its use. Anti-social behaviour, littering and trampling of the ground behind vehicles is commonplace and therefore needs to be considered when designing the planting regime.
- 2.5 It is the intention to divide the land into separate zones based on their gradients and the current landscaping. The diagram below shows how this is intended to be laid out, with retention and restoration of the existing beech hedge, reduction and maintenance of the buddleia and the creation of new aromatic and native planting areas. Within these areas it is also intended to include log piles and bug hotels for habitat creation and enhancement of biodiversity. If possible, habitat gabions will be incorporated into the design.



Image 2: Conversion of gabions to habitat

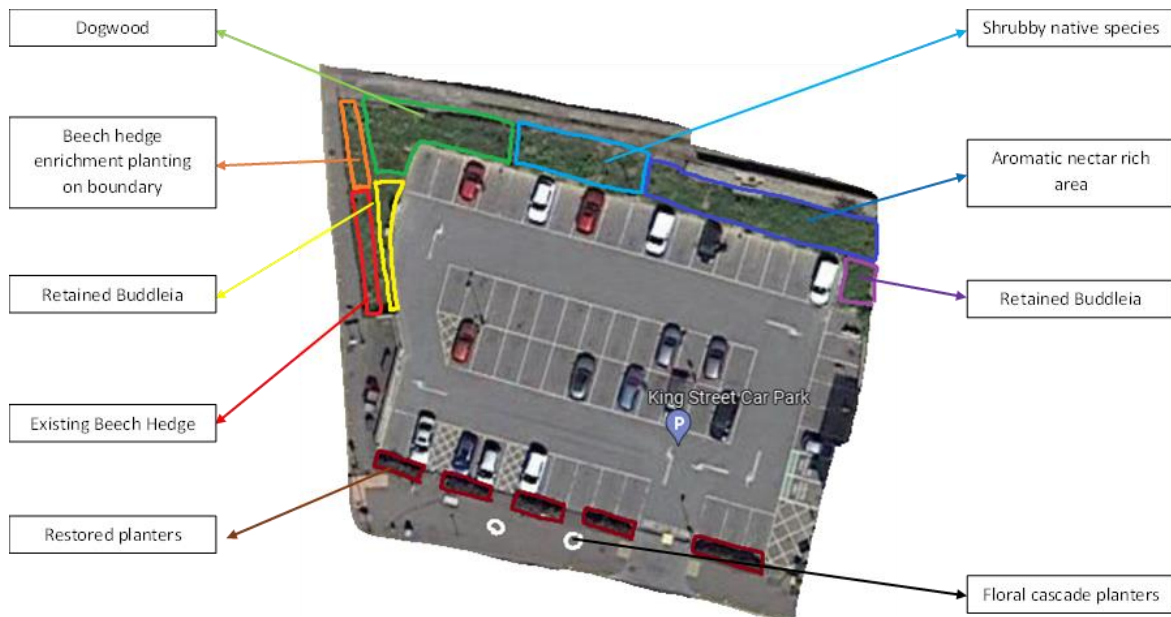


Image 3: Outline plan of the new planting zones

- 2.6 The aromatic nectar-rich area is sited on the area backed by the stone gabions. Potentially the gabions could, with additional work create good habitat too, example shown in Image 2. This will include plants such as Winter Savoury, Rosemary, Marjoram and Wood Sage



Image 4: Example of plants to be incorporated into Aromatic Nectar-rich Area

- 2.7 The native planting area will feature in middle of the land at the back of the car park and will involve new planting infilling between the existing dogwood and hawthorn. This will include Guelder rose, dogwood and spindle hedge plant.



Image 5: Example of plants to be infilled between the dogwood and hawthorn at the back of the site.

- 2.8 Further planting around the site will include crab apple trees and beech whips to reform the original boundary hedge along Church Road.
- 2.9 Along the front boundary of the car park there are six large wooden planters which house *Photinia* 'Red Robin'. These will be repaired and treated to preserve their life and the existing plants will be retained and pruned. To incorporate seasonal and colourful flowering plants into the scheme, tiered planters like those placed in Jubilee Square will be installed on the wide pavement outside the car park.



Image 6: Planters outside King Street Car Park and example of floral planters in Jubilee Square

- 2.10 It is intended that this work will be carried out during the Autumn and Winter this year.
- 2.11 The work will be funded from Parking Services existing budgets and it has been designed to minimise ongoing maintenance costs. The anticipated cost for this work is £2,000.

3. AVAILABLE OPTIONS

- 3.1 The Policy Advisory Committee could recommend to the Lead Member for Planning and Infrastructure that the proposal set out within this report is implemented. This is recommended as it will significantly improve the visual appearance of this key car park whilst ensuring that effort is paid to protecting the biodiversity of the site.
 - 3.2 Alternatively, the Committee could decide to recommend alternative improvements to the car park which would further enhance the sites visual appearance or biodiversity value.
 - 3.3 The Committee could recommend that no work is carried out on site and the areas highlighted are left to remain wild. This option is not recommended due to the impact this is having on the appearance of the car park and access route into the Town Centre.
-

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 It is recommended that the planting and maintenance scheme outlined in this report is adopted for King Street Car Park as it looks to balance an impactful visual appearance with maintaining biodiversity within a town centre environment.
 - 4.2 This scheme has been designed by the Parks and Open Spaces Manager with the constraints of the site in mind.
-

5. RISK

- 5.1 There is a reputational risk to the Council if this key site is not maintained to some degree but given the importance of maintaining and enhancing biodiversity within the Borough, this must be balanced.
 - 5.2 Therefore the proposal has sought to create an attractive green space around the car park with native and aromatic plants and the inclusion of log piles and bug hotels.
 - 5.3 There will also be interpretation boards installed around the site to raise awareness of Go Green Go Wild initiatives and encourage visitors to look out for wildlife within the Town Centre.
-

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 Informal feedback has been received about the importance of this site for invertebrate habitat and biodiversity, and this has been taken into account when designing the scheme.

- 6.2 This issue will be considered by the Planning and Infrastructure Policy Advisory Committee on 17 October 2022.
-

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 Following recommendation from the Committee, the Lead Member of the Executive for Planning and Infrastructure will take the decision whether to implement the improvements.
- 7.2 If this is agreed, work will start in late Autumn / early Winter and will be publicised through local and social media.
- 7.3 Interpretation boards will also be installed around the site to ensure visitors are aware of the Go Green Go Wild initiatives.
-

8. REPORT APPENDICES

None

9. BACKGROUND PAPERS

None

Lead Member for Planning and Infrastructure

21 October 2022

Draft Statements of Common Ground – Soft Sand and Lower Thames Crossing

Timetable	
Meeting	Date
Planning and Infrastructure Committee PAC	17 October 2022
Lead Member on the Executive for Planning and Infrastructure	21 October 2022

Will this be a Key Decision?	No
Urgency	Not Applicable
Final Decision-Maker	Lead Member for Planning and Infrastructure
Lead Head of Service	Phil Coyne (Interim Director, Local Plan Review)
Lead Officer and Report Author	Mark Egerton (Strategic Planning Manager)
Classification	<p>Public Report with Exempt Appendices</p> <p>Exempt Appendices</p> <p>Appendix 1: Draft Statement of Common Ground between Maidstone Borough Council, Kent County Council, East Sussex County Council, Brighton and Hove City Council, West Sussex County Council, and the South Downs National Park Authority</p> <p>Appendix 2: Draft Statement of Common Ground between Maidstone Borough Council & National Highways</p> <p>The appendices contain exempt information as classified in paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 in that they contain information relating to the financial or business affairs of any particular person (including the authority holding that information). The public interest in maintaining this exemption</p>

	outweighs the public interest in their disclosure. The Statements of Common Ground are draft documents and are currently unsigned and contain sensitive cross boundary matters. The draft documents contain information affecting the business affairs of other authorities. The Statements of Common Ground will be published once agreed and signed by both parties.
Wards affected	All

Executive Summary

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 Kent County Council, East Sussex County Council, Brighton and Hove City Council, West Sussex County Council, and the South Downs National Park Authority (Exempt Appendix 1) and National Highways (Exempt Appendix 2). The SoCG at Exempt Appendix 1 relates to the forthcoming examination of the East Sussex County Council, Brighton and Hove City Council and South Downs National Park Authority plan review and the SoCG at Exempt Appendix 2 relates to the Lower Thames Crossing Development Consent Order. The report recommends that members recommend approval of these new Statements of Common Ground as set out in the Exempt Appendices.

Purpose of Report

To provide background to and current versions of the Draft Statements of Common Ground between Maidstone Borough Council, Kent County Council, East Sussex County Council, Brighton and Hove City Council, West Sussex County Council, and the South Downs National Park Authority, and between Maidstone Borough Council and National Highways. To seek views from Planning and Infrastructure Policy Advisory Committee on the Draft Statements of Common Ground as appended to this report (Exempt Appendix 1 and Exempt Appendix 2) prior to a decision being sought from the Lead Member on the Executive for Planning and Infrastructure.

The report makes the following recommendation to the Lead Member for Planning and Infrastructure:

1. That the draft Statement of Common Ground on Soft Sand between Maidstone Borough Council and Kent County Council, East Sussex County Council, Brighton and Hove City Council, West Sussex County Council, and the South Downs National Park Authority, attached at Exempt Appendix 1 to this report, be approved; and
2. That the draft Statement of Common Ground on the Lower Thames Crossing between Maidstone Borough Council and National Highways, attached at Exempt Appendix 2 to this report, be approved.

Draft Statements of Common Ground – Soft Sand and Lower Thames Crossing

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> • Embracing Growth and Enabling Infrastructure • Safe, Clean and Green • Homes and Communities • A Thriving Place <p>Accepting the recommendation will materially improve the Council's ability to achieve the corporate priorities.</p>	Interim Director (Local Plan Review)
Cross Cutting Objectives	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> • Heritage is Respected • Health Inequalities are Addressed and Reduced • Deprivation and Social Mobility is Improved • Biodiversity and Environmental Sustainability is respected <p>The report recommendation supports the various strands of the Council's ongoing strategic planning work, all of which contribute toward achievement of the cross cutting objectives by supporting the Local Plan Review.</p>	Interim Director (Local Plan Review)
Risk Management	<p>The Statements of Common Ground and associated protocol have been produced as part of both our ongoing strategic planning work with adjacent authorities in relation to their planning functions, and our own current the Local Plan Review, both of which take into account the key requirements and therefore addresses associated risks.</p>	Interim Director (Local Plan Review)
Financial	<p>There are no financial implications to note, any costs will be accommodated within existing budgets</p>	Section 151 Officer

Staffing	We will deliver the recommendation with our current staffing.	Interim Director (Local Plan Review)
Legal	Accepting the recommendation will fulfil the Council's duties (particularly evidencing the duty to co-operate) under Planning and Compulsory Purchase Act 2004 (as amended), the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and the National Planning Policy Framework	MKLS (Planning) Team Leader
Information Governance	The recommendation does not impact personal information (as defined in UK GDPR and Data Protection Act 2018) the Council Processes	Information Governance Team
Equalities	The recommendation does not propose a change in service therefore will not require an equalities impact assessment	Equalities & Communities Officer
Public Health	We recognise that the recommendation will not negatively impact on population health or that of individuals.	Senior Public Health Officer
Crime and Disorder	The recommendation will not have a negative impact on Crime and Disorder.	Interim Director (Local Plan Review)
Procurement	N/A	Interim Director (Local Plan Review)
Biodiversity and Climate Change	The implications of this report on biodiversity and climate change have been considered and are; <ul style="list-style-type: none"> • There are no implications on biodiversity and climate change. 	Biodiversity and Climate Change Officer

2. INTRODUCTION AND BACKGROUND

- 2.1 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 policymaking 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.
- 2.2 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.
- 2.3 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.
- 2.4 This report brings before the committee two SoCG documents. The first has been produced by East Sussex County Council, Brighton and Hove City Council and South Downs National Park Authority. It is a SoCG associated with the production of their Minerals and Waste Local Plan Review, and Kent County Council and Maidstone Borough Councils are cosignatories of that statement.
- 2.5 The SoCG has regard to extraction of soft sand, where the authorities have limited reserves and so have reliance on reserves outside their areas, including Kent and West Sussex. Maidstone's involvement arises from the fact that the main viable soft-sand sites in Kent are located within its borough. Consequently, any decision made on soft sand extraction which seeks to make reliance on sources from outside the plan review area would consider land within the borough of Maidstone.
- 2.6 The draft SoCG seeks to formalise this position; to allow the East Sussex County Council, Brighton and Hove City Council and South Downs National Park Authority plan review to use an assumption that reliance is being made on soft-sand supplies from outside the area. This is the second report on this SoCG to have been presented to Members. The previous SoCG was approved by February 2022 Strategic Planning and Infrastructure Committee. Since then, the SoCG has been subject to minor changes in relation to extraction quantities and so requires further sign-off. It is attached to this report as Exempt Appendix 1.

- 2.7 The second SoCG has been requested by National Highways and sets out the position between National Highways and the Council regarding the Lower Thames Crossing (LTC) only. Members may wish to note that there is a separate SoCG between the Council and National Highways in relation to the Local Plan Review. The SoCG in relation to LTC is attached as Exempt Appendix 2.
- 2.8 This 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. The positions reflect previous LTC consultation responses. Previous engagement activities are also listed.
- 2.9 In terms of relationship between this SoCG, the Kent Minerals and Waste Local Plan, and the wider Local Plan Review, this SoCG reflects that there is a demand for soft sand from allocated reserves within the borough. It should also be noted that Local Plan Review sites have undergone full minerals assessments to demonstrate that safeguarded reserves are not being needlessly sterilised by proposed development.
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3. AVAILABLE OPTIONS

- 3.1 Option 1: That the draft SOCG's (Exempt Appendices 1 and 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 it may be submitted to the Inspector appointed by the Secretary of State
- 3.2 Option 2: That the draft SOCG's (Exempt Appendices 1 and 2) be approved by the Lead Member for Planning and Infrastructure, subject to further comments and changes. While this would allow the Statement of Common Ground to be finalised and signed, in accordance with the agreed protocol it may cause delays in examination processes.
- 3.3 Option 3: That the draft SOCG's (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 failing national requirements associated with the production of the Local Plan Review and discharge of our duty to cooperate with other authorities.
-

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 Option 1. That the draft SOCG (Exempt Appendices 1 and 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 it may be submitted.
-

5. RISK

- 5.1 The risk associated with the recommendation, including the risks should the Council not act as recommended, have been considered in line with the Council's Risk management Framework.
- 5.2 If agreement is secured, per the recommendations, then we are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 This issue will be considered by the Planning and Infrastructure Policy Advisory Committee on 17 October 2022.

7. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

Exempt Appendix 1: Draft Statement of Common Ground between Maidstone Borough Council, Kent County Council, East Sussex County Council, Brighton and Hove City Council, West Sussex County Council, and the South Downs National Park Authority

Exempt Appendix 2: Draft Statement of Common Ground between Maidstone Borough Council & National Highways

Agenda Item 7

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted