

LEAD MEMBER FOR PLANNING AND INFRASTRUCTURE MEETING

Date: Thursday 3 November 2022

Time: 2.30 pm or at the conclusion of the Planning and Infrastructure Policy Advisory Committee Meeting, whichever is the later.

Venue: Town Hall, High 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.

AGENDA

Page No.

- | | | |
|----|---|---------|
| 1. | Urgent Items | |
| 2. | To consider whether any items should be taken in private due to the possible disclosure of exempt information | |
| 3. | Response to Tonbridge and Malling Borough Council Local Plan consultation | 1 - 10 |
| 4. | Statements of Common Ground for Local Plan Review | 11 - 19 |

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

- | | | |
|----|--|-----------------------------------|
| 5. | Exempt Appendices 1-9 for Item 5 - Statements of Common Ground for Local Plan Review | 3 – Financial/Business Affairs |
|----|--|-----------------------------------|

INFORMATION FOR THE PUBLIC

If you require this information in an alternative format please call us on **01622 602899** or email committee@maidstone.gov.uk.

To find out more about the work of the Executive, please visit www.maidstone.gov.uk.

Issued on 26 October 2022

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

LEAD MEMBER FOR PLANNING AND INFRASTRUCTURE

3 November 2022

Response to Tonbridge and Malling Borough Council Local Plan Regulation 18 consultation

| Timetable | |
|---|-----------------|
| Meeting | Date |
| Planning and Infrastructure Committee PAC | 3 November 2022 |
| Lead Member on the Executive for Planning and Infrastructure | 3 November 2022 |

| | |
|---|---|
| Will this be a Key Decision? | No |
| Urgency | Not Applicable. See Executive Summary for Consultation deadline date. |
| 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 | Erik Nilsen (Principal Planner, Strategic Planning) |
| Classification | Public |
| Wards affected | All |

Executive Summary

Tonbridge and Malling Borough Council is preparing a new Local Plan and has launched a Regulation 18 stage public consultation which closes on 03 November 2022. The new Local Plan will cover the period up to 2040. This report provides a headline summary of the consultation documents and recommends that the Council's draft response to the consultation, set out in Appendix 1, is formally submitted. The report will have been considered by the Planning and Infrastructure Policy Advisory Committee before being passed to the Lead Member for a decision.

Purpose of Report

To provide background information on the Tonbridge and Malling Borough Council Local Plan Regulation 18 consultation. The Planning and Infrastructure Policy Advisory Committee will have been consulted on the response to the consultation, set out in

Appendix 1, prior to the decision by the Lead Member for Planning and Infrastructure on the Executive.

This report makes the following recommendation to the Lead Member on the Executive for Planning and Infrastructure:

1. That Maidstone Borough Council's response to the Local Plan Regulation 18 consultation, attached as Appendix 1 to this report, is submitted to Tonbridge and Malling Borough Council.

Response to Tonbridge and Malling Borough Council Local Plan Regulation 18 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 <p>As this report relates to the content of a neighbouring authority's local plan, we do not expect the recommendations will by themselves materially affect achievement of corporate priorities.</p> | Phil Coyne (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, including compliance with the duty to cooperate, which contributes toward achievement of the cross cutting objectives.</p> | Phil Coyne (Interim Director – Local Plan Review) |
| Risk Management | Already covered in the risk section. | Phil Coyne (Interim Director – Local Plan Review) |
| Financial | The financial costs of responding to TMBC Local Plan consultation at this stage can be accommodated within existing budgets. | Phil Coyne (Interim Director – Local Plan Review) |

| | | |
|-------------------------------|--|--|
| | | |
| Staffing | We will deliver the recommendation with our current staffing. | Phil Coyne (Interim Director – Local Plan Review) |
| Legal | <p>The duty to cooperate was created by the Localism Act 2011 and amends the Planning and Compulsory Purchase Act 2004. It places a legal duty on local planning authorities, county councils in England and public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local Plan preparation in the context of strategic cross boundary matters.</p> <p>This approach also helps ensure that Maidstone Borough Council's interests are communicated clearly to Tonbridge and Malling Borough Council as it progresses work on its Local Plan.</p> | Cheryl Parks; Mid Kent Legal Services (Planning) |
| Information Governance | There are no concerns with regards to the Data Protection Act 2018 and UK GDPR | Lauren Connett (Information Governance Officer) |
| Equalities | The recommendation does not propose a change in service therefore will not require an equalities impact assessment | Nicola Toulson (Equalities & Communities Officer) |
| Public Health | We recognise that the recommendation will not negatively impact on population health or that of individuals. | Jolanda Gjoni (Senior Public Health Officer) |
| Crime and Disorder | The recommendation will not negatively impact on crime and disorder. | Phil Coyne (Interim Director – Local Plan Review) |
| Procurement | Not applicable. | Phil Coyne (Interim Director – Local Plan Review) |

| | | |
|--|---|--|
| Biodiversity and Climate Change | <p>The implications of this report on biodiversity and climate change have been considered and are:</p> <ul style="list-style-type: none"> • There are no implications on biodiversity and climate change. | Phil Coyne (Interim Director – Local Plan Review) |
|--|---|--|

2. INTRODUCTION AND BACKGROUND

- 2.1 Tonbridge and Malling Borough Council (TMBC) is currently consulting on a Regulation 18 stage Local Plan document. The consultation runs from 22 September to 03 November 2022.
- 2.2 This section of the report provides a summary of the consultation and the proposed response from Maidstone Borough Council. The full draft response is set out in Appendix 1 of this report.

Background

- 2.3 TMBC is preparing a new Local Plan. It is intended that this document, once adopted, will supersede a suite of plans dating from between 2007 and 2010 which currently form part of that borough's statutory development plan. The new Local Plan will cover the period 2021 to 2040.
- 2.4 It is noted that TMBC previously prepared a detailed Local Plan. This was submitted to the Secretary of State for Examination in Public in January 2019. However, following comments from the Planning Inspector with respect to the matter of compliance with the duty to cooperate, TMBC withdrew the plan and took the decision to recommence the Local Plan review process.
- 2.5 TMBC is now carrying out an early-stage public consultation on a new Local Plan. This is a Regulation 18 stage consultation in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012, as amended. The consultation documents comprise a Local Plan document and an Interim Sustainability Appraisal Report. A 'Call for Sites' exercise is also being undertaken concurrently, where the public is being asked to identify land that may be suitable for development.
- 2.6 Further information about the consultation and links to view the documents are available online at:
- <https://www.tmbc.gov.uk/local-plan/regulation-18-consultation>
- 2.7 TMBC's Local Development Scheme (LDS) sets out the timetable for preparing the Local Plan. Following the current Regulation 18 consultation the LDS provides for a Regulation 19 consultation (August-October 2023), Regulation 22 submission of the Local Plan to the Secretary of State for examination (January 2024) and adoption (July 2025).

Consultation content

- 2.8 TMBC is in the early stage of the plan-making process. The Local Plan consultation document is therefore focussed principally on setting the scope of the new plan. The document includes contextual information and identifies the main issues and priorities for the plan across a range of topic areas. It also presents policy options to address the identified issues. The document does not set out preferred policy approaches as these will be established later in the plan process, informed by consultation feedback and additional evidence.
- 2.9 The Local Plan consultation document is organised into 8 main sections under which there are a range of policy topic areas. The sections include questions for which TMBC is seeking responses to, with 50 questions in total. The main sections are as follows:
- Introduction
 - Local context
 - Vision
 - Spatial distribution of development
 - Strategic matters
 - Other matters
 - Further information
 - Next steps
- 2.10 The Local Plan document provides an indication of the borough's future growth requirements that the plan will address. These requirements are informed by the latest evidence base. This includes a local housing need figure in Tonbridge and Malling borough of 839 dwellings per annum or 15,941 dwellings (gross) across the plan period up to 2040. The document indicates that TMBC will seek to meet this need in full through the Local Plan.
- 2.11 To address identified needs for new development the Local Plan document sets out considerations for the settlement hierarchy along with spatial options for distributing growth. It is noted that these options provide for areas that are proposed to be a 'focus of development'. Many of these include development in the northern and eastern parts of the borough in proximity to the Maidstone Borough boundary.
- 2.12 The Local Plan document identifies further strategic matters which cut across a range of policy areas including housing, economic development, transport, Tonbridge town centre and retail, community facilities and infrastructure, natural environment, built and historic environment, green belt and climate change. In some instances, it is expected that additional evidence will be prepared to inform the consideration of policy approaches as work on the plan progresses.

Maidstone Borough Council response

- 2.13 Whilst the Regulation 18 consultation includes a suite of 50 questions (which are also set out in a companion 'paper form' response booklet) it is proposed to provide a long-form response in order to focus on those key

areas of interest to Maidstone Borough Council at this time. The draft response is attached as Appendix 1 to this report.

- 2.14 The Council has a statutory duty to cooperate with prescribed bodies, including neighbouring local authorities, on strategic cross-boundary matters. Maidstone Borough Council has and will continue to engage positively and proactively with TMBC through the Local Plan process. The consultation response reaffirms this position and welcomes the opportunity to comment on the emerging local plan as part of the ongoing engagement.
- 2.15 At this stage in the plan process there are no preferred policy approaches confirmed and it is therefore difficult to assess the implications of the plan on Maidstone borough.
- 2.16 However, the response does raise concerns with some of the spatial options for distributing growth within Tonbridge and Malling Borough. Whilst at this stage details as to the preferred spatial approach and quantum of development expected in different locations are yet to be confirmed, the response raises concerns with the spatial options in terms of their impacts, particularly on the highway network and air quality.
- 2.17 The consultation response also provides additional comments on selected topic areas which may have strategic cross-boundary implications, including housing and economic development.
- 2.18 TMBC has published a Sustainability Appraisal (SA) Interim Report as part of the Regulation 18 consultation. The consultation response does not provide any comments on this document. The SA will be considered by the relevant statutory consultees Environment Agency, Natural England and Historic England. The Council may seek to comment on future iterations of the SA during the next stages of public consultation.

3. AVAILABLE OPTIONS

- 3.1 Option 1: That the draft response to the consultation be approved by the Lead Member for Planning and Infrastructure. This would allow the response to be sent by the submission deadline and help to ensure the Council fulfils its statutory duty to cooperate.
- 3.2 Option 2: That the draft response be approved by the Lead Member for Planning & Infrastructure, subject to further comments and changes. Depending on the extent and timing of the receipt of these comments, there may be insufficient time for the response to be sent by the submission deadline.
- 3.3 Option 3: That the draft response is not approved by the Lead Member for Planning and Infrastructure. However, this would mean the response would not be sent and the Council's views on the Regulation 18 document would not be duly submitted for consideration by Tonbridge and Malling Borough Council as work on their Local Plan progresses. It would also compromise the Council's ability to demonstrate it has fulfilled its statutory duty to cooperate.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 Option 1: That the draft response to the consultation be approved by the Lead Member for Planning and Infrastructure. This would allow the response to be sent by the submission deadline and help to ensure the Council fulfils its statutory duty to cooperate.

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. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 This matter will have been considered by the Planning and Infrastructure Policy Advisory Committee on the 3 November 2022, ahead of the Lead Member for Planning and Infrastructure's consideration of the matter.
- 6.2 If agreed the response provided as Appendix 1 will be presented to the executive and then if approved submitted to Tonbridge and Malling Borough Council on behalf of Maidstone Borough Council. The consultation response will be submitted prior to the completion of the Call-In process.

7. REPORT APPENDICES

- 7.1 The following documents are to be published with this report and form part of the report:
- Appendix 1 - Draft Response to Tonbridge and Malling Local Plan Regulation 18 consultation

8. BACKGROUND PAPERS

- 8.1 The Tonbridge and Malling Borough Council Local Plan Regulation 18 consultation document can be viewed online at the following link:

<https://www.tmbc.gov.uk/local-plan/regulation-18-consultation>

Regulation 18 Local Plan consultation
Tonbridge and Malling Borough Council
Gibson Building, Gibson Drive
West Malling
Kent, ME19 4LZ

03 November 2022


Sent via email

Dear Sir/Madam

Maidstone Borough Council

Maidstone House,
King Street,
Maidstone, Kent ME15 6JQ

 maidstone.gov.uk

 [maidstonebc](https://twitter.com/maidstonebc)

 [maidstoneboroughcouncil](https://www.facebook.com/maidstoneboroughcouncil)

Re: Tonbridge and Malling Borough Council Local Plan Regulation 18 Consultation

I refer to the above consultation and wish to make the following representations on behalf of Maidstone Borough Council (MBC).

As you will be aware, MBC is in the process of reviewing its adopted Local Plan (25 October 2017). The Maidstone Local Plan Review was submitted to the Secretary of State for independent examination on 31 March 2022. The examination hearings are currently in process. MBC has and will continue to work closely and constructively with Tonbridge and Malling Borough Council (TMBC) through the duty to cooperate on strategic matters pertinent to the authorities' respective local plans. We also look forward to working jointly with Kent County Council and National Highways given that there are clearly matters that fall within their remit and responsibility.

Whilst it is acknowledged that TMBC have a requirement to meet identified needs, including for housing and economic development, the new Local Plan could have a significant impact on Maidstone Borough residents and businesses as well as the environment. It is therefore imperative that the potential effects of the plan on Tonbridge and Malling Borough and neighbouring authority areas, including Maidstone, are robustly considered. MBC would welcome the opportunity to continue working with TMBC to help ensure that any potential adverse impacts resulting from the emerging Local Plan are identified at an early stage so that these can be avoided and/or appropriately mitigated.

The Regulation 18 document sets out several spatial options for distributing growth within Tonbridge and Malling Borough. It is noted that these options provide for areas that are proposed to be a 'focus of development'. Many of these include development in the northern and eastern parts of the borough in proximity to the Maidstone Borough boundary; for example, the areas the document identifies as Walderslade, Medway Gap, Kings Hill and East Peckham. Whilst at this stage in the plan process details as to the preferred spatial approach and quantum of development expected in different locations are yet to be confirmed, MBC raise concerns with the spatial options in terms of their impacts, particularly on the highway network and air quality (including in Air Quality Management Areas).

As significant new development in the aforementioned areas is likely to exacerbate existing local issues of traffic and congestion, mitigating transport impacts on routes into Maidstone will be vital. This includes the A20, Hermitage Lane and the A26. Consideration should also be given to encouraging and enabling modal shift to support sustainable transport and to help reduce reliance on car use.

Furthermore, the spatial options could result in the coalescence of settlements with those in Maidstone Borough. This matter should therefore be addressed in the assessment of spatial options along with any approaches required to support these, such as the review and potential release of Green Belt land and analysis of site allocation development capacities. The Local Plan should also include measures to address coalescence, for example, through provisions on retention and delivery of new open space, natural and semi-natural landscaping and air quality.

The Regulation 18 document states that Tonbridge and Malling Borough shares a strategic housing market area with Maidstone, across the northern and eastern parts of the Borough. This is corroborated by the Maidstone Strategic Housing Market Assessment (2021). MBC welcomes that the diverse housing needs of the population in the wider market area will be considered as work on the plan progresses. MBC strongly supports TMBC's intention to meet the Borough's identified local housing need in full through the Local Plan. It also supports the addition of a contingency in order to ensure delivery against this need. However, MBC wishes to stress that the level of this contingency must be carefully considered and managed so to ensure there will be no adverse impacts on Maidstone Borough, and that growth at this scale can be appropriately supported by infrastructure.

The Regulation 18 document explains the context for the Local Plan to address the housing needs of gypsies, travellers and travelling showpeople. It also sets out findings on the evidence of need for this group arising in Tonbridge and Malling Borough. MBC notes that it is preparing a Gypsy, Traveller and Travelling Showpeople Development Plan Document to address the significant need that exists within its borough. We will continue to engage with TMBC and other local authorities through the duty to cooperate to ensure housing needs for this group are appropriately addressed through the plan process, in accordance with national planning policy.

The Regulation 18 document provides that Tonbridge and Malling Borough forms part of the West Kent functional economic market area. This is generally agreed however it is noted that the latest evidence base for both TMBC and MBC indicate that parts of Tonbridge and Malling have a strong relationship with the Maidstone functional economic area. It is understood that the findings of the TMBC Economic Development Needs Study (2022) will be refined as work on the Local Plan progresses. MBC await further information and updates on identified needs for economic development in Tonbridge and Malling and the approaches to meeting these, as there may be implications for Maidstone given the respective boroughs' economic ties. This also applies to needs for retail and other main town centre uses. MBC will seek assurances that the Local Plan will not negatively affect centres in Maidstone, including through evidence of impact assessments where appropriate.

We look forward to providing comments when further details of the Local Plan proposals become known.

Sincerely

Mark Egerton
Strategic Planning Manager
Maidstone Borough Council

LEAD MEMBER FOR PLANNING AND INFRASTRUCTURE

3 November 2022

Statements of Common Ground for Local Plan Review

| Timetable | |
|--|-----------------|
| Meeting | Date |
| Planning and Infrastructure Committee PAC | 3 November 2022 |
| Lead Member on the Executive for Planning and Infrastructure | 3 November 2022 |

| | |
|--------------------------------|---|
| Will this be a Key Decision? | No |
| Urgency | <p>Urgent</p> <p>Two types of urgency are applicable:</p> <p>The <u>28-day notice requirement</u> relating to exempt information has been waived by the Chairman of the Overview and Scrutiny Committee in accordance with Rule 11.6, Part C4 of the Council's Constitution due to the decision's urgency.</p> <p>The <u>5 clear-day notice requirement</u> will not be met for some and/or all of this report's associated appendices due to the decision's urgency.</p> |
| 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 | Erik Nilsen (Principal Planner, Strategic Planning) |
| Classification | <p>Public report with exempt appendices</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).</p> |

| | |
|-----------------------|---|
| | <p>The public interest in maintaining this exemption 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 and bodies.</p> <p>It is intended to publish each of the Statements of Common Ground, once they have been agreed and signed by all relevant parties, as evidence to support the Local Plan Review examination.</p> |
| 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 (Exempt Appendix 1 and Appendix 2), Medway Council (Exempt Appendix 3), Natural England (Exempt Appendix 4), National Highways (Exempt Appendix 5), Kent Downs Area of Outstanding Natural Beauty Unit (Exempt Appendix 6), the Heathlands site promoters and Kent Downs Area of Outstanding Natural Beauty Unit (Exempt Appendix 7), the Lidsing site promoters and Kent Downs Area of Outstanding Natural Beauty Unit (Exempt Appendix 8), the Defence Infrastructure Organisation (Exempt Appendix 9). In the case of Exempt Appendices 7 and 8, Maidstone Borough Council is a co-signatory with the respective site promoters in addition to having its own separate SoCG with the Kent Downs AONB Unit. The SoCGs relate to the examination of Maidstone Borough Council's Local Plan Review and specifically the Duty to Cooperate obligation, which is an important part of the planning process. The report recommends that members recommend approval of these new Statements of Common Ground by the Lead Member 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 and other bodies. The views of the Planning and Infrastructure Policy Advisory Committee on the draft Statements of Common Ground as appended to this report (Exempt Appendices 1-9) will have been considered prior to a decision being sought from the Lead Member on the Executive for Planning and Infrastructure.

This report makes the following recommendation to the Lead Member on the Executive for Planning and Infrastructure:

1. That the Draft Statement of Common Ground between Maidstone Borough Council and Kent County Council, attached as Exempt Appendix 1 to this report, be approved;

2. That the draft Statement of Common Ground between Maidstone Borough Council and Kent County Council (regarding minerals), attached as Exempt Appendix 2 to this report, be approved;
3. That the draft Statement of Common Ground between Maidstone Borough Council and Medway Council, attached as Exempt Appendix 3 to this report, be approved;
4. That the draft Statement of Common Ground between Maidstone Borough Council and Natural England, attached as Exempt Appendix 4 to this report, be approved;
5. That the draft Statement of Common Ground between Maidstone Borough Council and National Highways, attached as Exempt Appendix 5 to this report, be approved;
6. That the draft Statement of Common Ground between Maidstone Borough Council and Kent Downs Area of Outstanding Natural Beauty Unit, attached as Exempt Appendix 6 to this report, be approved;
7. That the draft Statement of Common Ground between Maidstone Borough Council, the Heathlands site promoters and Kent Downs Area of Outstanding Natural Beauty Unit, attached as Exempt Appendix 7 to this report, be approved; and
8. That the draft Statement of Common Ground between Maidstone Borough Council, the Lidsing site promoters and Kent Downs Area of Outstanding Natural Beauty Unit, attached as Exempt Appendix 8 to this report, be approved.
9. That the draft Statement of Common Ground between Maidstone Borough Council and the Defence Infrastructure Organisation, attached as Exempt Appendix 9, be approved.

Statements of Common Ground for Local Plan Review

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 recommendations will materially improve the Council's ability to achieve the corporate priorities.</p> | Phil Coyne (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 recommendations support 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> | Phil Coyne (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 and other bodies 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> | Phil Coyne (Interim Director – Local Plan Review) |
| Financial | <p>There are no financial implications to note, any costs will be accommodated within existing budgets.</p> | Phil Coyne (Interim Director – |

| | | |
|--|---|---|
| | | Local Plan Review) |
| Staffing | We will deliver the recommendations with our current staffing. | Phil Coyne (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. | Cheryl Parks; Mid Kent Legal Services (Planning) |
| Information Governance | There are no concerns with regards to the Data Protection Act 2018 and UK GDPR. | Lauren Connett (Information Governance Officer) |
| Equalities | The recommendations do not propose a change in service therefore will not require an equalities impact assessment. | Phil Coyne (Interim Director – Local Plan Review) |
| Public Health | We recognise that the recommendations will not negatively impact on population health or that of individuals. | Jolanda Gjoni (Senior Public Health Officer) |
| Crime and Disorder | The recommendations will not have a negative impact on crime and disorder. | Phil Coyne (Interim Director – Local Plan Review) |
| Procurement | Not applicable. | Phil Coyne (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. | Phil Coyne (Interim Director – Local Plan Review) |

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 policy making authorities to prepare and maintain one or more statements of common ground (SoCG), documenting the cross-boundary matters being addressed and to describe progress in cooperating to address these.
- 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. This is pertinent to the Maidstone Local Plan Review, which was submitted to the Secretary of State for Examination in Public on 31 March 2022. The examination hearings are currently in process. SoCG are being used by the Council to demonstrate legal compliance in terms of the plan-making process, as well as to demonstrate progress in resolving issues of plan soundness that the Planning Inspector is considering following representations made during the Regulation 19 consultation and the examination.
- 2.4 This report brings to the Lead Member nine draft Statements of Common Ground. It is noted that in some instances the Council has existing SoCG with the prescribed bodies. The main topic areas or matters addressed by each of the SoCG presented in this report is summarised below, with a focus on key updates to existing SoCG where relevant. It is also important to point out that the SoCG process is iterative and will continue throughout the Local Plan Review examination process. Thus, there may be a need to bring further versions of the attached, or other SoCGs, back to the Planning and Infrastructure Policy Advisory Committee and to the Lead Member in due course.
- 2.5 The SoCG in Exempt Appendix 1 has been produced by Maidstone Borough Council and Kent County Council. It provides an update to the current SoCG to clarify positions with respect to the timing of education provision at Heathlands Garden Community and recent transport work.
- 2.6 The SoCG in Exempt Appendix 2 has been produced by Maidstone Borough Council and Kent County Council specifically in respect of the latter's role as

a Minerals and Waste planning authority. It provides an update to the current SoCG to clarify the position in relation to post extraction re-grading of the Chapel Farm Quarry site in advance of commencement of development of that phase of Heathlands.

- 2.7 The SoCG in Exempt Appendix 3 has been produced by Maidstone Borough Council and Medway Council. It provides an update to the current SoCG with clarifications on matters relating to the proposed allocation at Lidsing. This includes matters of education provision, general impacts on wider Medway services and potential impacts on the Capstone Valley. The SoCG has also been amended to make clearer those matters that are unresolved or where agreement has not been reached.
- 2.8 The SoCG in Exempt Appendix 4 has been produced by Maidstone Borough Council and Natural England. It provides an update to the current SoCG on several matters including air quality, nutrient neutrality and the Kent Downs Area of Outstanding Natural Beauty (AONB). The SoCG reflects updated work undertaken by the Heathlands site promoters (in addressing issues in relation to Natural England guidance on nutrient neutrality) and the Lidsing site promoters (in mitigating potential quality issues on the Kent Downs AONB) in response to findings of the Habitats Regulations Assessment and comments from the Kent Downs Area of Outstanding Natural Beauty Unit.
- 2.9 The SoCG in Exempt Appendix 5 has been produced by Maidstone Borough Council and National Highways. It provides an update to the current SoCG following further transport work and ongoing liaison with National Highways.
- 2.10 The SoCG in Exempt Appendix 6 has been produced by Maidstone Borough Council and the Kent Downs Area of Outstanding Natural Beauty Unit. It provides an update to the current SoCG following additional information on landscape capacity work and proposed mitigations provided by the garden community promoters.
- 2.11 The SoCG in Exempt Appendix 7 has been produced by the Heathlands site promoters and Kent Downs Area of Outstanding Natural Beauty Unit, with the Local Planning Authority as a co-signatory.
- 2.12 The SoCG in Exempt Appendix 8 has been produced by the Lidsing site promoters and Kent Downs Area of Outstanding Natural Beauty Unit, with the Local Planning Authority as a co-signatory.
- 2.13 The SoCG in Exempt Appendix 9 has been produced by the Defence Infrastructure Organisation as site promoters for Invicta Barracks. This version is an update to the SoCG that has already been published (Examination Document reference ED25) and includes a Statement of Intent between the Defence Infrastructure Organisation and Annington Homes, who have a property interest on part of the Invicta Barracks site.
- 2.14 The nine draft SoCG are presented to the Lead Member for Planning and Infrastructure, after having been presented to the Planning and Infrastructure Policy Advisory Committee for its views. However, due to the ongoing nature of negotiations around some issues contained within these documents, there may be circumstances which prevent the full complement

of these SoCGs being finalised by planning officers in time for the meeting. Only those draft SoCG made available for the Planning and Infrastructure Policy Advisory Committee and the Lead Member for Planning and Infrastructure meetings will be subject to a decision.

3. AVAILABLE OPTIONS

- 3.1 Option 1: That the draft Statements of Common Ground (Exempt Appendices 1-9 or as otherwise presented) are approved by the Lead Member for Planning and Infrastructure. This would allow these documents to be finalised and signed, in accordance with the agreed protocol, in order that they may be published as part of the Council's evidence base for the Local Plan Review examination.
 - 3.2 Option 2: That the draft Statements of Common Ground (Exempt Appendices 1-9 or as otherwise presented) be approved by the Lead Member for Planning and Infrastructure, subject to further comments and changes. While this would allow the Statements of Common Ground to be finalised and signed, in accordance with the agreed protocol, it may cause delays or other risks in the Local Plan Review examination process.
 - 3.3 Option 3: That the draft Statements of Common Ground (Exempt Appendices 1-9 or as otherwise presented) are not approved by the Lead Member for Planning and Infrastructure. However, this would mean the documents could not be finalised and signed, thus potentially prejudicing national requirements associated with the production of the Local Plan Review and discharge of the Council's duty to cooperate with other authorities.
-

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

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

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. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 The Statements of Common Ground provided alongside this report will have been considered by the Planning and Infrastructure Policy Advisory Committee on the 3 November 2022.
- 6.2 If agreed the Statements of Common Ground will be published as part of the Council's evidence base for the Local Plan Review examination in public. The SoCGs will be submitted prior to completion of the Call-In process.
-

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 and Kent County Council – **to follow**
 - Exempt Appendix 2: Draft Statement of Common Ground between Maidstone Borough Council and Kent County Council (regarding minerals) – **to follow**
 - Exempt Appendix 3: Draft Statement of Common Ground between Maidstone Borough Council and Medway Council – **to follow**
 - Exempt Appendix 4: Draft Statement of Common Ground between Maidstone Borough Council and Natural England – **to follow**
 - Exempt Appendix 5: Draft Statement of Common Ground between Maidstone Borough Council and National Highways – **to follow**
 - Exempt Appendix 6: Draft Statement of Common Ground between Maidstone Borough Council and Kent Downs Area of Outstanding Natural Beauty Unit – **to follow**
 - Exempt Appendix 7: Draft Statement of Common Ground between the Heathlands site promoters and Kent Downs Area of Outstanding Natural Beauty Unit, with the Local Planning Authority as a co-signatory – **to follow**
 - Exempt Appendix 8: Draft Statement of Common Ground between the Lidsing site promoters and Kent Downs Area of Outstanding Natural Beauty Unit, with Local Planning Authority as a co-signatory – **to follow**
 - Exempt Appendix 9: Draft Statement of Common Ground between Maidstone Borough Council and the Defence Infrastructure Organisation regarding Invicta Barracks – **to follow**
-