

Maidstone Local Plan Review
Draft Statement of Common Ground between Maidstone
Borough Council and Medway Council
May 2022

Maidstone and Medway context

Maidstone and Medway are local authorities within the historic County of Kent. Maidstone is a district authority, i.e. Kent County Council has responsibility for the provision of some services including transport and education, whilst Medway Council is a unitary authority which takes responsibility for all local government functions. Both Maidstone and Medway are local planning authorities.

Maidstone is surrounded by the Kent District Councils of Ashford, Tonbridge & Malling, Tunbridge Wells, Swale, and Medway Council. Medway borders Maidstone Borough Council, Swale Borough Council to the east, Tonbridge and Malling Borough Council to the south west, Gravesham Borough to the west. The Thames Estuary forms the northern land boundary of Medway Council.

Medway is located immediately to the north of Maidstone Borough, and the two boroughs share a boundary that extends from Great Lennox Wood in the east, to south of Chatham in the west. Both boroughs contain a mix of urban and rural environs, however the boundary between Medway and Maidstone broadly marks the urban/rural divide. However, the boundary is not distinct in some places, running directly through some residential areas such that some streets may contain residents of both authorities. Although the M2 does not itself form the administrative boundary of the two authorities, it does form a significant barrier between the two.

There are a number of unique environmental characteristics both across and within each of the two boroughs. These include the Thames and Medway Estuary and Marshes SPA and Ramsar and SSSI Sites, Queendown Warren SAC, SSSI and LNR, Swale SPA and Ramsar Site, and North Downs Woodland SSSI and SAC. The area is also subject to significant landscape sensitivities, namely the Kent Downs AONB and its setting, as well as areas of local landscape importance.

Maidstone Borough Council (MBC) adopted its current plan in 2017 and is in the process of undertaking a Local Plan Review. It is expected to undertake regulation 19 consultation in October 2021 and submit this plan in March 2022. Medway Council (MC) is currently working to progress its Local Plan and it is expected that they will undertake a Regulation 19 consultation in 2022.

Administrative areas

The administrative area covered by this Statement of Common Ground is identified in the map below.

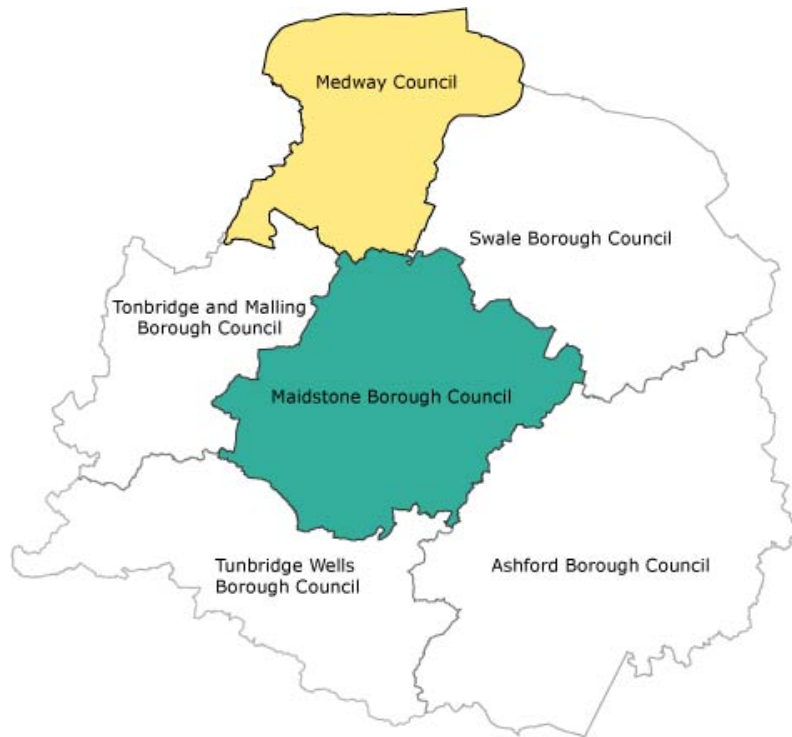


Figure 1: Geographic extent of this Statement of Common Ground

Purpose of this statement

Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) requires that in planning for sustainable development, local authorities must seek cooperation. The National Planning Policy Framework requires that strategic plan making authorities collaborate to identify strategic matters that need to be addressed through their plans. It requires effective and ongoing joint working between authorities which should be demonstrated through the preparation and maintaining of one or more statements of common ground.

This Statement of Common Ground has been prepared by MBC and informed by input from MC and it reflects the agreed position between the parties on a range of matters. The purpose of the Statement of Common Ground is to demonstrate the effective joint working across local authority boundaries, which has been undertaken throughout the development of MC's and MBC's plan making processes.

It should be noted that MC has substantial concerns over aspects of Maidstone's Local Plan Review, namely the Lidsing Garden Community proposals, and has accordingly objected to the proposals in its formal representations to Maidstone's Regulation 18b Local Plan Review consultation, and Regulation 19 consultation.

The key strategic issues being addressed by this statement

The key strategic issues being addressed by this draft statement are listed below. Included are the intended cross-boundary issues both authorities expect to seek agreement on and any matters where agreement has not yet been reached.

Strategic Issue for Maidstone borough and Medway Council	Geographical area relevant for the 'Duty to Co-operate'
For MBC and MC: Meeting the boroughs' local housing need and helping to meet needs across the relevant Housing Market Area/s	Housing Market Area/s; neighbouring authority areas
For MBC and MC: Ensuring there is a sufficient supply of affordable housing	
For MBC and MC: Ensuring sufficient land and floorspace is provided to support economic growth in the borough and to contribute to the needs of the wider economic market area	Functional Economic Market Areas
<p>For MBC: Ensuring that Maidstone has a vital and vibrant town centre which maintains its role in the sub-region and that a network of local centres continue to serve local retail and service needs.</p> <p>For MC: Ensuring Medway's centres are healthy, robust and vibrant, identified by their distinctiveness with Chatham at the top of the hierarchy maintaining and reflecting its sub-regional role.</p>	Retail Catchment Areas
<p>For MBC: Ensuring that the plan has regard for the purpose of conserving and enhancing the natural beauty of the AONB and its setting. That the borough's environmental assets such as Landscapes of Local Value, the countryside and Green Belt are suitably protected.</p> <p>For MC: Ensuring that the Kent Downs AONB and its setting are not harmed by development. Ensuring that valued landscapes of are protected as part of green infrastructure networks.</p>	Kent Downs AONB
For MBC and MC: Ensuring that the borough's biodiversity and wildlife habitats are suitably protected and enhanced. That regard is also had to wider green infrastructure.	North Downs Woodlands Special Area of Conservation and, potentially, European designated sites in other boroughs
	SSSIs, Local Wildlife Sites, ancient woodland which straddle the borough's boundaries including where established buffer zones cross boundaries.
	Wider Green Infrastructure, corridors, and biodiversity networks, for example the Capstone Area.

For MBC: Contributing to an overall improvement in air quality, in particular in the Maidstone Air Quality Management Area. For MC: Contributing to an improvement in air quality, in particular in the Medway Air Quality Management Areas.	Maidstone AQMA; AQMA in the Malling area of Tonbridge & Malling.
For MBC and MC: Taking a proactive approach to mitigating and adapting to climate change	Significant overlap with air quality, transport and flood risk matters. Potential of green infrastructure to provide mitigation and adaptation solutions to climate change impacts.
For MBC and MC: Ensuring sufficient transport infrastructure is provided to serve the new development that is planned, and support sustainable growth.	Strategic highway network, local highway network, and public rights of way within the borough and, potentially, key junctions falling in neighbouring authority areas. Rail infrastructure within the borough.

Engagement and cooperation to date.

MBC and MC have been engaged in ongoing and effective cooperation throughout inception and delivery of their local plans. Joint working and consultation undertaken to date has been set out in the schedule on MBC's website.

Medway has made formal representations to Maidstone's Regulation 18b Local Plan Review consultation, and Regulation 19 consultation.

Issues for which agreement is or is not in place

This is a record of where agreements have (or have not) been reached on key strategic issues, including the processes that have been undertaken in reaching or seeking to reach agreements on these.

Strategic Matters

Meeting Housing Need

Meeting housing need is a requirement of national policy, and is a significant issue across Kent, with the Standard Method for calculating housing need indicating the need for at least 12,072 dwellings to be delivered per annum (based on 2020 calculations) across Kent and Medway.

MBC has prepared a Strategic Housing Market Assessment (SHMA) to consider overall and specific types of housing needs across the borough. This SHMA identifies an overall need of 17,355 which reflects the government's standard methodology. Whilst the housing market area of Maidstone extends west into the northern section of Tonbridge and Malling, it does not extend north into Medway. It is noted that the housing market for Maidstone does extend north of the M2 to include some areas of Lordswood and Walderslade, where the urban area is

contiguous and there is a relationship between the two HMAs¹. In its emerging Local Plan Review, Maidstone is seeking to meet its own need in its entirety.

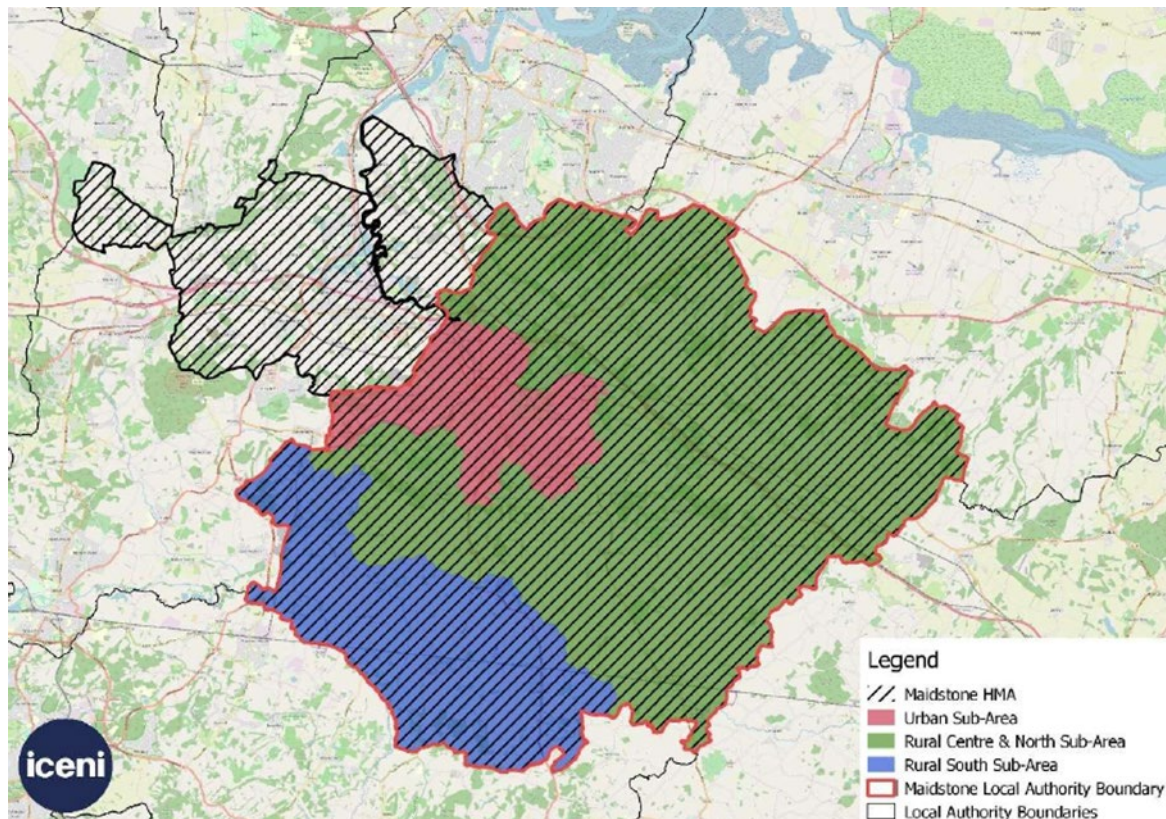


Figure 2: MBC Housing Market Area and sub-market geography

The proposed distribution of housing in MBC is concentrated in the main urban area along with two garden settlements at Lidsing, on the border with Medway's urban area, and at Lenham Heath. A small and proportionate level of new housing is proposed in the smaller settlements to the south of Maidstone.

MC has refreshed its evidence base on underlying needs in respect to housing. An update to the Employment Land Needs Assessment and local housing need assessment has been done jointly with Gravesham Borough Council. Medway Council intends to meet its own need for employment and housing.

The spatial strategy for Medway in the coming years continues to deliver on the success of the area's urban regeneration, with growth focused in existing town centres in line with the 2019 masterplans for these areas. Medway introduced proposals for how development of around 10,000 homes focused around Hoo St Werburgh may come forward as part of its local plan in the consultation document 'Planning for Growth on the Hoo Peninsula' in Spring 2020, and has secured £170m of Housing Infrastructure Funding to support growth.

The housing requirements being planned for in the two authorities is set out below.

¹ Medway's 2015 SHMA states that the Medway Council HMA encompasses a wider area beyond the authority area to include Gravesham, Swale, Dartford, as well as parts of Maidstone and Tonbridge & Malling. This has been reviewed as part of Medway's Local Housing Needs Assessment (2021).

	Maidstone	Medway
Housing Need	17,355 1,157 per annum Delivery 2019/20 = 1,355	26,962 1586 per annum Delivery 2019/20 = 1,130
New Plan Until	2037 (emerging)	2037 (emerging)
Unmet need	0	0
New Plan Stage	Local Plan Review Regulation 18b December 2020. Regulation 19 October 2021.	Reg 19 consultation in 2022

Maidstone Borough Council and Medway Council agree that they are using the government's Standard Method for determining Local Housing Need, and that both authorities are seeking to meet their own need.

Garden Settlements

In order to meet its housing need, MBC has sought to bring forward two garden settlements. The Regulation 19 draft Local Plan Review includes the proposed allocation of a new garden settlement Lidsing which is to the north of the borough and adjacent to the boundary with Medway Council. It is agreed that in developing any masterplan for Lidsing promoters will need to engage with MC.

Substantial concerns have been raised by MC that development at Lidsing could have a detrimental impact on the environment and a number of sensitive locations, Medway's roads and services, not least education provision and health services. The Lidsing proposal would rely heavily on Medway's infrastructure and services, impose significant costs and impacts on local communities, and will also impact the potential for future growth in Medway by placing additional demands on Medway's infrastructure and services.

In its formal response to Maidstone's Regulation 18b consultation, Medway objected to the Lidsing garden settlement on account of transport impacts, impacts on the environment and sustainability, social and education infrastructure, as well as the risk of settlement coalescence, impact on green infrastructure, sustainability, landscape impact, impact on the Purple Hills SSSI and impact on the Kent Downs AONB. This objection has been maintained in Medway Council's formal response to Maidstone's Regulation 19 Consultation.

Both Maidstone and Medway councils have committed to consider cross boundary matters arising from their respective plans. It is acknowledged by both Maidstone and Medway that assessing the transport impacts of any proposals will be key to their sustainability, deliverability, and viability, so there will be a need to work jointly with MBC, Medway, KCC and National Highways should proposals come forward. Sharing of technical evidence base of strategic transport assessments is also ongoing. MBC has worked with MC to ensure that infrastructure needs arising from Lidsing in MC are being taken into account. MC considers, however, discussions are at an early stage and that a greater level of detail and information

is required on how MBC intends to address the objections and concerns raised by MC to the Lidsing proposals.

Maidstone Borough Council and Medway Council agree that the proximity of the proposed Garden Community at Lidsing to the Medway boundary would result in the proposed development having detrimental impacts on Medway. This is a critical cross border strategic development matter that will require continued close working between Maidstone Borough Council and Medway Council so that objections and impacts can be addressed, benefits are maximised and that developer contributions are appropriate to the degree of pressure placed on Medway's services. MBC is working with the promoter to ensure that sufficient further evidence is provided to support this allocation, particularly in relation to infrastructure, transport and AONB impacts, prior to additional work being taken forward through Supplementary Planning Documents.

Meeting Employment Land Need

MBC has undertaken an Economic Development Needs study (2019/2020). This study indicates that the Functioning Economic Market Area of Maidstone borough extends into Medway, encompassing the towns of Rochester, Chatham, Hempstead and Gillingham.

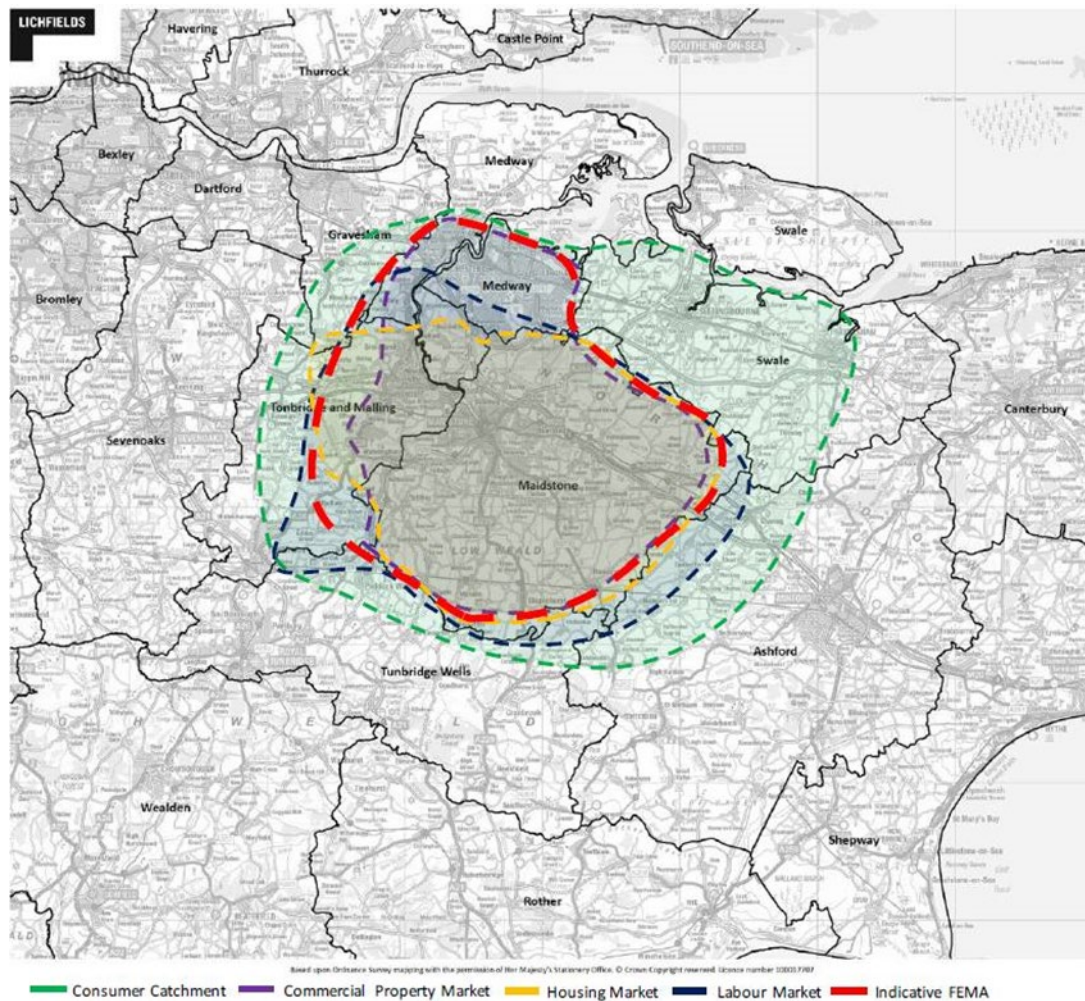
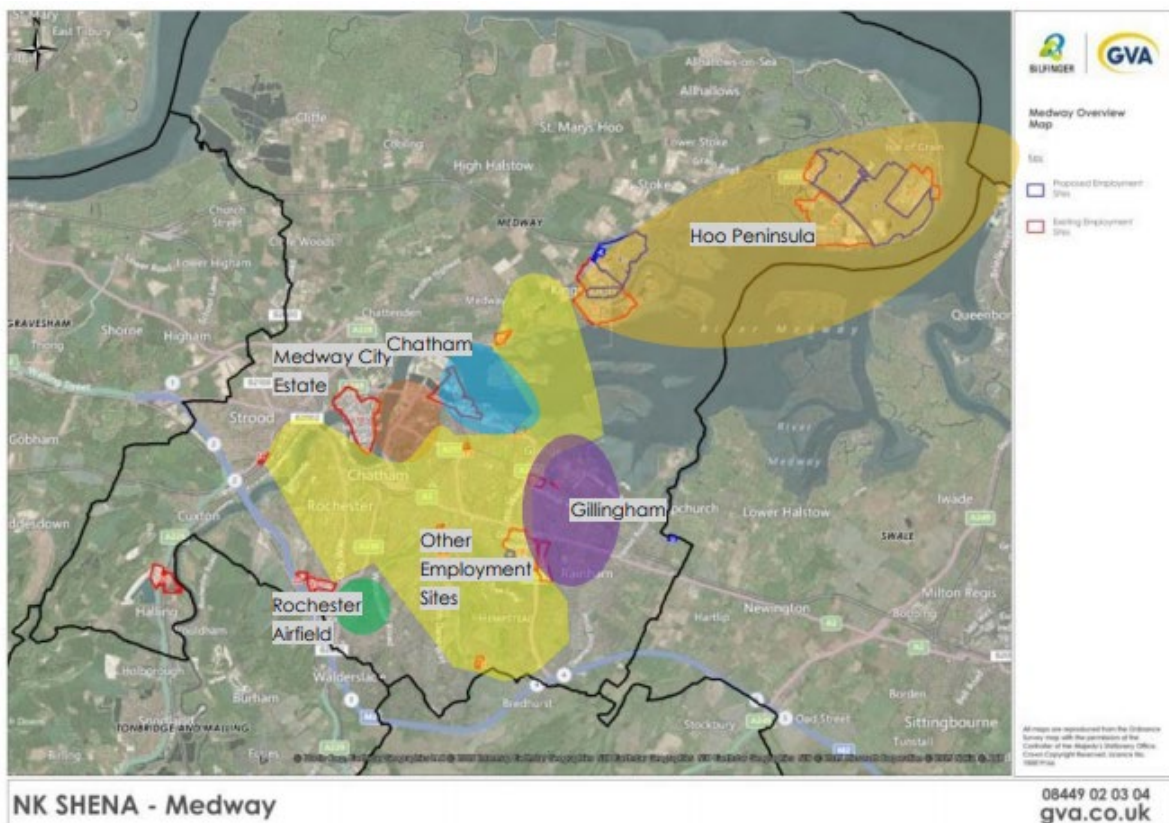


Figure 3: MBC Economic and development Needs Study market areas

Through its Local Plan Review, MBC is expecting to meet employment land need within the borough, with an additional degree of oversupply to provide flexibility and choice.

In preparing its Local Plan, Medway has updated its Employment Land Needs Assessment. Whilst this assessment acknowledges that travel to work data indicates there are functional links between the Medway towns and Maidstone, with Maidstone being an employment hub, it does not indicate an update to the extents of its Functional Economic Market Area.



Maidstone Borough Council and Medway Council agree that there are cross border commuting links, and that both authorities are seeking to meet their needs for employment land within the plan periods. The inclusion of employment land at Liding Garden Community is a cross border strategic matter, for potential impacts on Medway's employment land strategy.

According to the 2011 census, Maidstone is a net exporter of workers, with 31,180 working residents commuting outside of the Borough for their employment, mainly to the nearby areas of Tonbridge and Malling, Medway and Tunbridge Wells, and the London Boroughs of Westminster and the City of London. 30,000 working people commuted into the Borough for their employment, mainly from the local authority areas of Medway, Tonbridge and Malling, Swale and Ashford. According to the EDNS produced on behalf of MBC, more workers travel from Medway to Maidstone Borough than vice versa. The ONS classification of Travel to Work Areas groups Medway, Maidstone and the north of Tonbridge and Malling.

This data is relatively old, and since 2011 significant advances in technology and general working practices will have altered commuting patterns. COVID-19 is likely to have further shifted these commuting patterns.

Meeting Retail Land Need

The EDNS produced on behalf of MBC indicated that the consumer catchment for the borough extends north to incorporate the Medway towns. The EDNS identified a retail floorspace requirement 2022-2032 of 10,838 sqm (gross). This need will be met within Maidstone borough.

A SHENA has been undertaken by Medway Council jointly with Gravesham Borough Council, and this identified that Maidstone is a retail draw for those parts of Medway with good transport links to Maidstone. In particular, Medway Council has concerns that should further retail development come forward at Lidsing or elsewhere along the M2 or M20 corridor, this has the potential to draw trade away from town centre locations in either authority, threatening their vitality and viability. MBC can confirm that retail provision at the Lidsing Garden Settlement will meet local needs only.

Maidstone Borough Council and Medway Council agree that they wish to secure the vibrancy and health of their respective centres, and to avoid development that undermines this objective.

Environmental Matters

Protected sites

The proposed garden settlement at Lidsing will lie within the 6km zone of influence of the Thames Estuary and Marshes and Medway Estuary and Marshes SPA and Ramsar sites. Discussions have been held to establish whether development in Maidstone but within the ZOI can contribute to the North Kent Birdwise scheme as mitigation.

Maidstone Borough Council and Medway Council agree that any development within the zone of influence but within Maidstone borough council will contribute to the North Kent Birdwise scheme at a cost of £275.88 per new dwelling (2022/23 figure, rising by RPI on 1 April annually).

Air Quality

Air quality has been explored by MBC through the work that Jacobs is doing and will be based on the Kent Wide Model. Further work is ongoing to evaluate air quality matters and MBC is producing an interim HRA to update on environmental impacts. Medway has explored through the strategic transport assessment work that Medway has commissioned using the Medway AIMSUM model.

AONB & Landscape

The proposed new garden settlement at Lidsing lies adjacent to and within the setting of the Kent Downs AONB, and its landscape impact will need to be understood and addressed as the garden settlement policies are developed. Both

authorities have had discussions with the Kent Downs AONB unit. The impact of the development on the Kent Downs AONB and its setting is one of the grounds for objection from Medway Council.

Medway Council has raised concerns that the garden settlement at Lidsing will result in the loss of the green gap formed by the area around Lidsing between the distinct settlements of Lordswood and Hempstead, which has a high sensitivity to development incursions. More widely, Medway Council has concerns around the wider impact of the proposals on the setting of the AONB and surrounding landscape. Changes to the NPPF highlight the need for any development within the setting of AONBs to be 'sensitively located and designed to avoid adverse impacts on the designated landscapes' (2021) and green infrastructure. MBC is undertaking further work to explore and minimise and mitigate the impact of Lidsing on the AONB.

Maidstone Borough Council and Medway Council agree that the potential impacts on the Kent Downs AONB are a strategic cross border issue and that development should avoid adverse impacts on the designated landscape and this issue should be carefully managed by both authorities.

Green Infrastructure

In addition to designated sites and areas, Medway considers that attention should be paid to the protection and enhancement of wider green infrastructure networks and GI corridors linking habitats and biodiversity, which crosses administrative boundaries. For example, Medway's GBI Framework, maps valleys to the south of the borough including Capstone, as key GI corridors and networks.

MBC notes Medway's comments and is committed to ensuring that biodiversity and habitats are, where appropriate, secured, managed or enhanced as part of the new garden community. Furthermore, MBC will refine its approach to biodiversity assets through its forthcoming DPD. However, MBC does not agree that the existence of undesignated sites should impede development, but commits to the replacement of any green infrastructure corridors.

Notwithstanding its position on the matter, MBC is committed to engaging with Medway Council and will engage with Medway on further masterplanning of the Lidsing garden community, including through production of a Supplementary Planning Document.

Statement of common and uncommon ground

Maidstone Borough Council disagrees with Medway Council that non designated sites and sites of unestablished habitat and biodiversity status should automatically be preserved and enhanced. MBC has committed to securing replacement habitats and green corridors through the masterplanning process and will invite MC to take part in that process.

Managing Flood Risk

Maidstone has undertaken a SFRA which has informed the Local Plan Review. The Lidsing garden settlement lies within the same catchment as the Medway towns,

and therefore consideration will be given to how development at the garden settlement will impact on surface water.

Maidstone Council have an adopted SFRA, and Kent County Council as Lead Local Flood Authority will be a statutory consultee in respect of local flood risks.

Maidstone Borough Council and Medway Council agree that Medway Lead Local Flood Authority will be consulted on any planning application at Lidsing. MBC will include Medway Council as a consultee for all planning applications relating to Lidsing.

Infrastructure

MBC has produced an infrastructure statement to demonstrate that key infrastructure providers can accommodate growth within services across MBC. The pattern of growth in MBC is proposed to be located where enlarged or new services can best be delivered. MBC acknowledge that further discussions are required on infrastructure in relation to the proposed development at Lidsing and its relationship with the Medway urban area, given it will be heavily reliant on infrastructure and services provided within Medway and given MC's objections to the Lidsing proposals. Medway Council requires further information from the MBC Infrastructure Delivery Plan and associated work to determine that infrastructure growth needs where appropriate can be accommodated within Maidstone borough and that the proposed spatial strategy provides for where enlarged or new services can best be delivered. MBC will look where appropriate to meet infrastructure needs within its borough and will work with MC to fund and deliver any cross-boundary infrastructure needs arising as a result of the development.

MBC is currently updating its CIL charging schedule.

As part of its Local Plan work, Medway Council is preparing an Infrastructure Delivery Plan and has produced a Waste Needs Assessment.

Maidstone Borough Council and Medway Council agree that the proposed development at Lidsing would have impacts on infrastructure and services in Medway. The Councils agree that details of infrastructure plans and statements are to be shared for further review at the appropriate time.

Transport

MBC Stage 1 modelling has been completed and Jacobs has been commissioned to undertake Stage 2 work.

Medway has prepared a Strategic Transport Assessment to support a draft local plan and has commissioned additional work to assess the impact of the proposed Lower Thames Crossing.

Consideration is being given through transport modelling to any potential impact on Junction 3 and the unofficial junction at Medway services.

It is understood that Maidstone BC's assessment of traffic impacts on the Strategic Road Network is based on traffic modelling outputs from the 'Kent-wide Model'. 'Stage 1' and 'Stage 2' assessments, understood to comprise a baseline

assessment and modelling inputs run to 2037, have been completed. Additional modelling inputs to 2037 and to 2050 have been commissioned. MBC provided MC with the baseline assessments.

Medway would welcome further engagement with Kent CC and Maidstone BC to determine the method and scope of the subsequent assessments to demonstrate the impacts and any mitigations (in terms of network performance, road safety and air quality) on the local road network as a result of growth associated with Maidstone's Local Plan. Maidstone has confirmed that the M2 junction 4a has not been factored into modelling.

MC, MBC, KCC, National Highways and the site promoter, have engaged through numerous meetings to understand the potential adverse impacts of large-scale housing developments at Lidsing, with discussions ongoing, and the results of related strategic transport modelling pending. In addition, Lower Thames Crossing impacts on the strategic road network, taking account of planned growth levels in North and Mid Kent, also need to be assessed, with this a wider strategic matter impacting both Medway and Maidstone.

Water supply and treatment

MBC is exploring capacity for WWTW capacity downstream of Lidsing which is likely to be in the Medway area. This will need to be considered in discussions with infrastructure providers and will also need to take account of WWTW capacity requirements associated with proposed growth within Medway

Health infrastructure

Development proposed as part of the emerging MBC Local Plan Review has considered the impact that development could have on health infrastructure and Maidstone BC is working closely with the CCG. The impact of Lidsing on Medway is being considered, particularly in relation to the impacts of primary care demands and provision in Medway and the impacts on the Medway Maritime Hospital and will need to take into account changes in the organisation of these services as result of the NHS White Paper. Health service discussions have taken place with the CCG. The SPD will further develop the strategy for health infrastructure.

Education

Lidsing will require 3FE primary and further consideration is being given to secondary need and provision, with MBC and site promoters intending this provision to be provided in Medway. Developers are engaged in discussions with KCC and Medway Education in respect to the provision of education facilities to meet needs arising from the Local Plan Review and development at Lidsing on Medway's boundary.

Maidstone Borough Council and Medway Council agree that proposed development at Lidsing would have impacts on services and infrastructure in Medway and further information and discussions are required so that MBC and the site promoter can demonstrate that proposed development at Lidsing would provide for sustainable development of services and infrastructure.

MBC have had discussions with the MC as education authority along with KCC. These discussions have concluded that provision of education facilities will be dependent upon the level of Medway's proposed growth and the impact of Lidsing. MC considers, however, discussions are at an early stage and that a greater level of detail and information is required on how MBC intends to address the objections and concerns raised by MC to the Lidsing proposals and their impact on education provision in Medway. Accordingly, MBC propose that education provision will be further developed through the SPD.

Waste

MBC will work with KCC and Medway Council to consider arrangements in respect to household waste management and recycling facilities to serve development on the Medway periphery.

Gypsies and Travellers

Maidstone Borough Council is in the process of producing a Gypsy, Traveller and Travelling Showpeople Accommodation Assessment. The evidence gathering stage of this has been stalled due to the COVID-19 pandemic, but it is expected that the need identified will exceed the available sites that have come forward in the call for sites exercise.

To allow the necessary number of suitable Gypsy and Traveller sites to come forward for development, Maidstone has committed to delivering a separate Gypsy and Traveller Development Plan Document which will be informed by a specific call for sites.

Medway had a need of circa 36 pitches and is looking to meet need through the intensification of some existing sites and the development of windfall sites. There have been sites identified with the capacity to be intensified through a site survey and review of those permanent and non-personalised sites. There is also intent to ask neighbouring authorities if there is spare capacity to fulfil the need requirement. Medway is commissioning an update to the GTAA with Gravesham Borough Council to cover the plan period up to 2037.

Maidstone Borough Council and Medway Council agree to share their updated evidence base assessments to inform further cross border discussions.

Governance Arrangements

Where there is disagreement, each authority will seek to discuss the issue with the other, to ascertain whether the relevant Plan can be modified to secure agreement. Where it can, the change will be noted within this Statement of Common Ground.

In Maidstone, a Duty to Cooperate protocol has been adopted to ensure transparency and accountability. Statements of Common Ground are to be agreed by committee prior to signing.

In Medway this will consist of engagement with members around priorities, particularly around key issues such as housing needs and the way in which these are met across Kent through the Duty to Cooperate. Medway commits to meetings between relevant members from both authorities.

This Statement of Common Ground will be updated on a regular basis, as matters arise and are resolved, and each version of this Statement of Common Ground will be saved as a record of discussions.

Signatories

All signatories agree that this statement is an accurate representation of areas of agreement and disagreement between the two parties.

Signed:

Signed:

Name:

Name:

Position:

Position:

Maidstone Borough Council

Medway Council

Date:

Date: