

Maidstone Borough Local Plan 2016 Examination

Statement of Common Ground

As agreed between

Maidstone Borough Council

and

Tonbridge & Malling Borough Council

August 2016

INTRODUCTION

1. This Statement of Common Ground has been prepared jointly by Maidstone Borough Council ('MBC') and Tonbridge & Malling Borough Council ('TMBC').
2. This Statement sets out confirmed points of agreement between MBC and TMBC on the key cross boundary issues with regard to the Maidstone Borough Local Plan 2016 ('the Local Plan') and its supporting evidence base, with the aim of assisting the Inspector during the Examination of the Local Plan. It should be read in conjunction with the Duty to Co-operate Compliance Statement (SUB 008) which was submitted with the Local Plan and with TMBC's representation to the Local Plan dated 18th March 2016 (reference R19195) attached in Appendix A.

AGREED MATTERS

3. The following matters are agreed:

Objectively assessed need for housing

4. MBC, TMBC and Ashford Borough Council jointly commissioned G L Hearn to undertake a Strategic Housing Market Assessment. Subsequently, update reports were prepared. The reports which were prepared are as follows;
 - Strategic Housing Market Assessment (2014): individual reports for Maidstone (HOU 002), Tonbridge & Malling and Ashford
 - Strategic Housing Market Assessment Addendum: Implications of 2012-based population projections and need for care homes (August 2014) (HOU 003)
 - Strategic Housing Market Assessment Update - implications of the 2012-based household projections (June 2015) (HOU 004)

5. It is agreed that the methodology used in the Strategic Housing Market Assessment, and in the subsequent updates, to identify the objectively assessed housing need for each authority is soundly based.
6. It is also agreed that the extent of the Maidstone housing market area is as set out in the Strategic Housing Market Assessment (2014) (HOU 002). The Maidstone housing market area is centred on the borough of Maidstone and extends westwards to encompass the eastern parts of Tonbridge and Malling Borough, including the settlements of Aylesford, Snodland and Kings Hill, and extensive rural areas.
7. The Local Plan provides for Maidstone borough's full objectively assessed need for housing at a base date of 1st April 2016 within Maidstone borough's boundaries. It is agreed that MBC does not require TMBC to accommodate a proportion of its objectively assessed need for housing.
8. TMBC is in the process of preparing its Local Plan which will cover the period 2011-31. The TMBC Local Plan timetable published in February 2016 anticipates Regulation 18 public consultations in September 2016 and April 2017, Regulation 19 public consultation in September 2017, submission in November 2017 and adoption of the Local Plan in May 2019. It is TMBC's intention to meet its full objectively assessed need for housing within its borough boundaries.

Duty to Co-operate

9. The Duty to Co-operate Compliance Statement (SUB 008) submitted with the Local Plan chronicles the extent and nature of positive engagement with TMBC during the preparation of the Local Plan.
10. It is agreed that MBC has fully complied with the Duty to Co-operate with TMBC during the preparation of the Local Plan with respect to matters of strategic importance between the two boroughs.
11. It is agreed that the two councils will continue to co-operate and work together on strategic cross-boundary issues.

TMBC's representation to the Local Plan

12. TMBC submitted representations to the Local Plan in respect of Policy H1(2) East of Hermitage Lane and H1(4) Oakapple Lane, Barming. A copy of the representation (R19195) is included in Appendix A.
13. Proposed changes to the Local Plan in response to the representations made at Regulation 19 stage were approved by MBC's Strategic Planning, Sustainability and Transportation Committee on 18th April 2016. The resulting schedule of proposed minor changes (SUB 010) was submitted with the Local Plan. Content from TMBC's representation and the proposed changes to Policies H1(2) and H1(4) taken from the schedule of proposed minor changes are set out in the table below.

TMBC Representation	MBC Proposed Change to the Local Plan	Reason for the Proposed Change
Policy H1(2) East of Hermitage Lane: Regarding Criteria 14: As the allocation effectively builds up to the boundary, this criteria relies	Delete Policy H1(2) criterion 14 "14. Maintenance of the open character between Allington in Maidstone	The criterion purports to control land outside of the application site and Borough boundary. This criterion has no bearing on securing

<p>on there being no further development or allocations in T&M. It could be a Maidstone Local Plan aspiration, but should not be a policy criteria, which cannot be implemented without T&M agreement.</p>	<p>Borough and the Medway Gap settlements in Tonbridge and Malling Borough."</p>	<p>appropriate development on the site itself.</p>
<p>Policy H1 (4) Oakapple Lane:Regarding criterion 6: The majority of the northern boundary of the field in question (the borough boundary runs diagonally through the middle of the field south west to north east) is located in Tonbridge and Malling. It is worth noting that the remainder of this site has also been submitted to TMBC for consideration under the Call for Sites. Notwithstanding the outcome of that exercise, this criteria cannot be implemented in full without T&M agreement and therefore should not be included in Maidstone's Plan as a policy criteria/requirement.</p>	<p>Delete Policy H1(4) criterion 6 "6. Creation of habitat corridor will be required along the northern boundary of the field (of which this allocation occupies the south eastern portion), between Fullingpits Wood and Oaken Wood."</p>	<p>The criterion seeks to provide a habitat corridor on land outside of the site and Borough boundary. Criterion 3 would secure the equivalent within the site and Borough boundary</p>

14. It is agreed that the above proposed changes, if they were confirmed as changes to the Local Plan, would address the issues raised in TMBC's representation with respect to Policy H1(2) criterion 14 and Policy H1(4) criterion 6 .

15. TMBC also made a representation with respect to criterion 19 of Policy H1(2) as follows;


As before, this could be an aspirational policy objective, but Maidstone Borough Council would not be able to determine an application made on land in Tonbridge and Malling.


16. It is agreed that the provision of a pedestrian crossing on Hermitage Lane is confirmed as part of the package of highway works secured in connection with the planning consent for this allocated site (MA/13/1749). It is agreed that this fact overcomes TMBC's representation with respect to Policy H1(2) criterion 19.

MATTERS NOT AGREED

17. [none]

AGREEMENT

Signed On behalf of Maidstone Borough Council		
Name & position	Signature	Date
Rob Jarman, Head of Planning & Development		22/8/16

Signed On behalf of Tonbridge & Malling Borough Council		
Name & position	Signature	Date
Steve Humphrey Director of Planning, Housing and Environmental Services		12.8.16

Appendix A

From: Ian A Bailey <Ian.Bailey@tmbc.gov.uk>
Sent: 18 March 2016 15:25
To: Sarah Anderton; Andrew Thompson; Cheryl Parks
Cc: Steve Humphrey; Louise Reid; Adrian Stanfield; Kevin Toogood; Emma Keefe
Subject: TMBC Response to Maidstone Local Plan (Regulation 19) Feb 2016

Hi Sarah,

My apologies for not getting these responses to you any earlier than today's deadline, but here they are. Please treat these as TMBC's official response to the consultation, officer level, subject to endorsement. If you could acknowledge receipt I would be grateful.

As I noted at our Duty to Cooperate meeting last week, I have focused these on the site allocations adjacent to our boundary. I have identified three policy criteria attached to Policies H1(1) and H1(4), which should be amended as they currently require actions to be implemented that are beyond the control of the Borough Council. This is essentially the same issue that we discussed as part of the planning appeal in relation to Hermitage Lane East last year regarding a criteria for establishing a Country Park adjacent to the development, but in Tonbridge and Malling, (I note and welcome that this has been deleted in this version) so it is unfortunate that we are having to make similar points at this stage of the Local Plan.

The following policy criteria, '...subject to which planning permission will be granted...', cannot be implemented beyond the Borough Boundary. There has been no agreement with TMBC, which as you know is also considering the best way to meet its own Objectively Assessed Needs for housing as part of its Local Plan preparation and is currently in the process of assessing sites submitted as part of a Call for Sites exercise.

Specifically:

Policy H1(1) East of Hermitage Lane

Criteria 14. Maintenance of the open character between Allington in Maidstone Borough and the Medway Gap settlements in Tonbridge and Malling Borough.

TMBC Response: As the allocation effectively builds up to the boundary, this criteria relies on there being no further development or allocations in T&M. It could be a Maidstone Local Plan aspiration, but should not be a policy criteria, which cannot be implemented without T&M agreement.

Criteria 19. Provision of pedestrian crossing facilities on Hermitage Lane to the north of the site.

Comment: As before, this could be an aspirational policy objective, but Maidstone Borough Council would not be able to determine an application made on land in Tonbridge and Malling.

Policy H1 (4) Oakapple Lane

6. Creation of a habitat corridor will be required along the northern boundary of the field (of which this allocation occupies the south eastern portion), between Fullingpits Wood and Oaken Wood.

Comment: The majority of the northern boundary of the field in question (the borough boundary runs diagonally through the middle of the field south west to north east) is located

in Tonbridge and Malling. It is worth noting that the remainder of this site has also been submitted to TMBC for consideration under the Call for Sites. Notwithstanding the outcome of that exercise, this criteria cannot be implemented in full without T&M agreement and therefore should not be included in Maidstone's Plan as a policy criteria/requirement. In all the above cases, while these could be aspirational/encouragement policies, as currently worded, they are policy requirements, necessary for planning permission to be granted and as noted this cannot be implemented by MBC.

Tonbridge and Malling Borough Council therefore requests that the suggested amendments be made before submission, or failing that, as Modifications. Depending on the outcome, we would like to reserve our decision on whether to appear at the Examination at this stage.

Please note that I have not been able to give careful consideration to the draft Integrated Transport Strategy, which does include proposals for highway improvements in TMBC, but would welcome the opportunity to discuss these further before the ITS is finalised.

I hope these brief responses are of assistance.

Regards

Ian

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