

## **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**