

## **MAIDSTONE BOROUGH COUNCIL**

### **RECORD OF DECISION OF THE LEAD MEMBER FOR PLANNING AND INFRASTRUCTURE**

Decision Made: 21 October 2022

### **Statements of Common Ground - Soft Sand and Lower Thames Crossing**

#### **Issue for Decision**

The draft Statements of Common Ground (SoCG) appended to this record of decision summarise the key strategic matters between Maidstone Borough Council and other bodies. The bodies are Kent County Council, East Sussex County Council, Brighton and Hove City Council, West Sussex County Council, and the South Downs National Park Authority (Exempt Appendix 1) and National Highways (Exempt Appendix 2). The SoCG at Exempt Appendix 1 relates to the forthcoming examination of the East Sussex County Council, Brighton and Hove City Council and South Downs National Park Authority plan review and the SoCG at Exempt Appendix 2 relates to the Lower Thames Crossing Development Consent Order. It is recommended that these new Statements of Common Ground be approved, as set out in the Exempt Appendices.

#### **Decision Made**

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

#### **Reasons for Decision**

- 1.1 Pursuant to s.33A of the Planning and Compulsory Purchase Act 2004 (as amended) when preparing development plan documents local planning authorities and county councils (in two-tier areas) are subject to a legal duty to cooperate with each other, and with other prescribed bodies (as set out in regulation 4 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)), on strategic matters that cross administrative boundaries. In order to demonstrate effective and on-going joint working, the National Planning Policy Framework (NPPF) requires strategic policymaking authorities to prepare and maintain one or more statements of common ground (SoCG), documenting the cross-boundary matters being addressed and to describe progress in cooperating to address these.

- 1.2 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.
- 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 their Plan.
- 1.4 This report brings before the committee two SoCG documents. The first has been produced by East Sussex County Council, Brighton and Hove City Council and South Downs National Park Authority. It is a SoCG associated with the production of their Minerals and Waste Local Plan Review, and Kent County Council and Maidstone Borough Councils are cosignatories of that statement.
- 1.5 The SoCG has regard to extraction of soft sand, where the authorities have limited reserves and so have reliance on reserves outside their areas, including Kent and West Sussex. Maidstone's involvement arises from the fact that the main viable soft-sand sites in Kent are located within its borough. Consequently, any decision made on soft sand extraction which seeks to make reliance on sources from outside the plan review area would consider land within the borough of Maidstone.
- 1.6 The draft SoCG seeks to formalise this position; to allow the East Sussex County Council, Brighton and Hove City Council and South Downs National Park Authority plan review to use an assumption that reliance is being made on soft-sand supplies from outside the area. This is the second report on this SoCG to have been presented to Members. The previous SoCG was approved by February 2022 Strategic Planning and Infrastructure Committee. Since then, the SoCG has been subject to minor changes in relation to extraction quantities and so requires further sign-off. It is attached to this report as Exempt Appendix 1.
- 1.7 The second SoCG has been requested by National Highways and sets out the position between National Highways and the Council regarding the Lower Thames Crossing (LTC) only. Members may wish to note that there is a separate SoCG between the Council and National Highways in relation to the Local Plan Review. The SoCG in relation to LTC is attached as Exempt Appendix 2.
- 1.8 This SoCG notes the position of the Council regarding various components of the LTC, including the need for the project, route alignment, traffic modelling and impacts. The positions reflect previous LTC consultation

responses. Previous engagement activities are also listed.

- 1.9 In terms of relationship between this SoCG, the Kent Minerals and Waste Local Plan, and the wider Local Plan Review, this SoCG reflects that there is a demand for soft sand from allocated reserves within the borough. It should also be noted that Local Plan Review sites have undergone full minerals assessments to demonstrate that safeguarded reserves are not being needlessly sterilised by proposed development.

### **Previous Consultation and Policy Advisory Committee Feedback**

- 2.1 This issue was considered by the Planning and Infrastructure Policy Advisory Committee on 17 October 2022 and the Committee supported the recommendations.

### **Alternatives considered and why rejected**

Option 1: **(APPROVED)** That the draft SOCG's (Exempt Appendices 1 and 2) are approved. 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

Option 2: **(NOT APPROVED)** That the draft SOCG's (Exempt Appendices 1 and 2), subject to further comments and changes. While this would allow the Statement of Common Ground to be finalised and signed, in accordance with the agreed protocol it may cause delays in examination processes.

Option 3: **(NOT APPROVED)** That the draft SOCG's (Exempt Appendices 1 and 2) are not approved. However, this would mean the documents could not be finalised and signed, thus failing national requirements associated with the production of the Local Plan Review and discharge of our duty to cooperate with other authorities.

### **Appendices**

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

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

**Exempt Appendices are available online: [Your Councillors - Maidstone Borough Council](#)**

### **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 both the report for the decision taken above 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 28 October 2022**