

# PLANNING AND INFRASTRUCTURE POLICY ADVISORY COMMITTEE MEETING

Date: Monday 15 August 2022  
Time: 6.30 pm  
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors Mrs Blackmore (Chairman), Mrs Grigg (Vice-Chairman), Clark, Kimmance, Munford, Spooner, Springett, Trzebinski and Young

*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.*

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## AGENDA

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Urgent Items
4. Notification of Visiting Members
5. Disclosures by Members and Officers
6. Disclosures of Lobbying
7. To consider whether any items should be taken in private due to the possible disclosure of exempt information
8. Minutes of the Meeting Held on 6 July 2022 1 - 3
9. Presentation of Petitions (if any)
10. Question and Answer session from Local Residents (if any)
11. Questions from Members to the Chairman (if any)
12. Forward Plan relating to the Committee's Terms of Reference
13. Draft Statements of Common Ground 4 - 11

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**Issued on 5 August 2022**

**Continued Over/:**

*Alison Broom*

**Alison Broom, Chief Executive**

## 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

14. Exempt Appendix 1 and 2 to Item 13: Draft Statements of Common Ground	Paragraph 3 – Information relating to the financial or business affairs of any particular individual (including the authority holding that information)	12 - 42
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## INFORMATION FOR THE PUBLIC

In order to ask a question at this meeting, please call **01622 602899** or email [committee@maidstone.gov.uk](mailto:committee@maidstone.gov.uk) by 5 p.m. one clear working day before the meeting (i.e. by 5 p.m. on Thursday 11 August 2022). You will need to provide the full text in writing.

If your question is accepted, you will be provided with instructions as to how you can access the meeting.

In order to make a statement in relation to an item on the agenda, please call **01622 602899** or email [committee@maidstone.gov.uk](mailto:committee@maidstone.gov.uk) by 5 p.m. one clear working day before the meeting (i.e. by 5 p.m. on Thursday 11 August 2022). You will need to tell us which agenda item you wish to speak on.

If you require this information in an alternative format please contact us, call **01622 602899** or email [committee@maidstone.gov.uk](mailto:committee@maidstone.gov.uk).

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## MAIDSTONE BOROUGH COUNCIL

### PLANNING AND INFRASTRUCTURE POLICY ADVISORY COMMITTEE

#### MINUTES OF THE MEETING HELD ON WEDNESDAY 6 JULY 2022

##### Attendees:

<b>Committee Members:</b>	<b>Councillors Mrs Blackmore (Chairman), Clark, English, Mrs Grigg, Munford, Spooner, Springett, Trzebinski and Young</b>
<b>Lead Members:</b>	<b>Councillors Cooper (Lead Member for Planning and Infrastructure)</b>

21. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Kimmance.

22. NOTIFICATION OF SUBSTITUTE MEMBERS

Councillor English was present as a Substitute Member for Councillor Kimmance.

23. URGENT ITEMS

There were no urgent items.

24. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

25. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members of officers.

26. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

27. EXEMPT ITEMS

**RESOLVED:** That all items be taken in public as proposed.

28. MINUTES OF THE MEETING HELD ON 8 JUNE 2022

**RESOLVED:** That consideration of the Minutes of the Meeting held on 8 June 2022 be deferred until the next meeting to enable further clarity on the inclusion of Councillors that observed, rather than addressed the meeting, as Visiting Members.

29. PRESENTATION OF PETITIONS

There were no petitions.

30. QUESTION AND ANSWER SESSION FROM LOCAL RESIDENTS

There were no questions from Local Residents.

31. QUESTIONS FROM MEMBERS TO THE CHAIRMAN

There were no questions from Members to the Chairman.

32. FORWARD PLAN RELATING TO THE COMMITTEE'S TERMS OF REFERENCE

**RESOLVED:** That the Forward Plan be noted.

33. LOCAL DEVELOPMENT SCHEME 2022 - 2024

The Lead Member for Planning and Infrastructure introduced the report and outlined the updates to the Local Development Scheme (LDS) which was adopted by the Council in December 2021. The timetable for the Gypsy and Traveller Development Plan Document (DPD) and the Local Plan Review were unchanged since the last review of the LDS, however the public consultation on the Design and Sustainability DPD had been delayed. This was due to the priority given to the Local Plan Review, which had received significant public interest.

In response to questions, the Lead Member for Planning and Infrastructure gave reassurance that the public provision for Gypsy and Traveller sites was a priority among Members, and that the matters to be reviewed within the DPD would be resolved sensitively.

**RESOLVED:** That the Executive be recommended to approve the Local Development Scheme 2022-2024, attached as Appendix 1 to the report.

34. NEIGHBOURHOOD PLANNING PROTOCOL

The Lead Member for Planning and Infrastructure introduced the report and explained the three proposed changes to the Neighbourhood Planning Protocol. Reference to Coronavirus measures would be removed as restrictions had been lifted and therefore were no longer relevant to the Protocol, and the change in the Council's governance arrangements was also reflected within the proposed updates. Following the popularity of Neighbourhood Planning in the Borough, the updated document provided clarity on the process for modifying Neighbourhood Plans.

**RESOLVED:** That the Executive be recommended to approve the Neighbourhood Planning Protocol, attached at Appendix 1 to the report.

35. UPDATED S106 SPEND BY DATE

The Lead Member for Planning and Infrastructure introduced the report and expressed interest in the Committee's views on how best to monitor the spend of Section 106 monies.

The Committee felt that the update report should include expired monies and the total amount allocated for future spend, to provide a fuller account of the status of allocated monies. It was also suggested that risk factors should expand beyond

the spend-by date. The Lead Member for Planning and Infrastructure agreed that the proposed additional information within the report would be useful, and that the risk analysis could be considered once the updated report was available.

In response to questions, the Head of Planning and Development explained that the Council's role was to monitor and report Section 106 planning obligations, rather than as a spending authority. There was currently no mechanism in place to inform Parish Councils that Section 106 monies had been allocated to them, however this could be implemented which the Lead Member supported.

**RESOLVED:** That

1. The report be noted;
2. An update in November 2022 be requested, to include all expired monies and those allocated for future spend.
3. The Head of Planning and Development be requested to notify Parish Councils and relevant Ward Members when Section 106 monies are allocated.

36. DURATION OF MEETING

6.30pm to 7.24pm.

# Agenda Item 13

## Planning and Infrastructure Policy and Advisory Committee

**15 August 2022**

### Draft Statements of Common Ground

<b>Timetable</b>	
<b>Meeting</b>	<b>Date</b>
Planning and Infrastructure PAC	15 August 2022
Lead Member on the Executive for Planning and Infrastructure	24 August 2022

<b>Will this be a Key Decision?</b>	No
<b>Urgency</b>	Not Applicable
<b>Final Decision-Maker</b>	Lead Member on the Executive for Planning and Infrastructure
<b>Lead Head of Service</b>	Phil Coyne (Interim Director, Local Plan Review)
<b>Lead Officer and Report Author</b>	Mark Egerton (Strategic Planning Manager)
<b>Classification</b>	<p>Public Report with Exempt Appendices</p> <p>Exempt Appendices</p> <p>Appendix 1: Draft Statement of Common Ground between Maidstone Borough Council &amp; The Defence Infrastructure Organisation.</p> <p>Appendix 2: Draft Statement of Common Ground between Maidstone Borough Council &amp; Kent County Council Minerals.</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). 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</p>

	unsigned and contain sensitive cross boundary matters. The draft documents contain information affecting the business affairs of other authorities. The Statements of Common Ground will be published once agreed and signed by both parties.
<b>Wards affected</b>	All

### **Executive Summary**

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. This report also seeks to delegate authority 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.

### **Purpose of Report**

To provide background to and current versions of the Draft Statements of Common Ground between Maidstone Borough Council and the Defence Infrastructure Organisation, and between Maidstone Borough Council and Kent County Council Minerals Team. To seek views from Planning and Infrastructure Policy Advisory Committee on the Draft Statements of Common Ground as appended to this report (Exempt Appendix 1 and Exempt Appendix 2) prior to a decision being sought from the Lead Member on the Executive for Planning and Infrastructure. To seek views from Planning and Infrastructure Policy Advisory Committee on giving delegated authority to the Interim Director (Local Plan Review) to approve both new and updated SoCG for the duration of the Local Plan Review Independent Examination.

### **This report asks the Committee to consider the following recommendations to the Lead Member for Planning and Infrastructure:**

1. That draft Statements of Common Ground, attached at Exempt Appendices 1 and 2 to this report, be approved.
2. 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.

# Draft Statements of Common Ground

## 1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
<b>Impact on Corporate Priorities</b>	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> <li>• Embracing Growth and Enabling Infrastructure</li> <li>• Safe, Clean and Green</li> <li>• Homes and Communities</li> <li>• A Thriving Place</li> </ul> <p>Accepting the recommendations will materially improve the Council’s ability to achieve the corporate priorities.</p>	Interim Director (Local Plan Review)
<b>Cross Cutting Objectives</b>	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> <li>• Heritage is Respected</li> <li>• Health Inequalities are Addressed and Reduced</li> <li>• Deprivation and Social Mobility is Improved</li> <li>• Biodiversity and Environmental Sustainability is respected</li> </ul> <p>The report recommendations support the achievements of the cross cutting objectives by supporting the Local Plan Review.</p>	Interim Director (Local Plan Review)
<b>Risk Management</b>	<p>The Statements of Common Ground and associated protocol have been produced as part of the Local Plan Review, which takes into account the key requirements and therefore addresses associated risks.</p>	Interim Director (Local Plan Review)
<b>Financial</b>	<p>There are no financial implications to note, any costs will be accommodated within existing budgets.</p>	Senior Finance Manager (Client)
<b>Staffing</b>	<p>We will deliver the recommendations with our current staffing.</p>	Interim Director (Local Plan Review)



<b>Legal</b>	Accepting the recommendations 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.	Mid Kent Legal Services (Planning)
<b>Information Governance</b>	The recommendations do not impact personal information (as defined in UK GDPR and Data Protection Act 2018) the Council Processes.	Information Governance Team
<b>Equalities</b>	The recommendations do not propose a change in service therefore will not require an equalities impact assessment	Equalities & Communities Officer
<b>Public Health</b>	We recognise that the recommendations will not negatively impact on population health or that of individuals.	Public Health Officer
<b>Crime and Disorder</b>	The recommendation will not have a negative impact on Crime and Disorder.	Interim Director (Local Plan Review)
<b>Procurement</b>	N/A	Interim Director (Local Plan Review)
<b>Biodiversity and Climate Change</b>	The implications of this report on biodiversity and climate change have been considered and are; <ul style="list-style-type: none"> <li>• There are no implications on biodiversity and climate change.</li> </ul>	Biodiversity and Climate Change Officer

## **2. INTRODUCTION AND BACKGROUND**

- 2.1 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.
- 2.2 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.
- 2.3 A SoCG may also be used as an effective tool for demonstrating co-operation between the Local Planning Authority and those who play a part in helping deliver the Plan.
- 2.4 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.
- 2.5 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.
- 2.6 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.
- 2.7 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.

- 2.8 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.
- 2.9 Maidstone has an agreed protocol that includes a sign off procedure for SoCG. The protocol was agreed by the then Strategic Planning and Infrastructure Committee at the 9<sup>th</sup> March 2021 meeting. Details of the protocol are given as a background document to this report.
- 2.10 However, it is not uncommon for new SoCG to become necessary in the run-up to, or during, the Examination in Public for the Local Plan Review. This will require production and sign-off of new SoCG at very short notice. Agreement is therefore sought from the Lead Member for Planning and Infrastructure that authority to approve future, new SoCG and approve changes to published SoCG may be given to the Interim Director (Local Plan Review). This measure would be for a temporary period lasting for the duration of the Local Plan Review Independent Examination
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### **3. AVAILABLE OPTIONS**

#### Recommendation 1

- 3.1 Option 1: 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: 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: 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: 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: 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.
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#### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

##### Recommendation 1

- 4.1 That Planning and Infrastructure PAC recommend 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 in a timely manner and help ensure they are considered for the relevant Local Plan Review examination hearings.

##### Recommendation 2

- 4.2 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.
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#### **5. RISK**

- 5.1 The risk associated with these two recommendations, including the risks should the Council not act as recommended, have been considered in line with the Council's Risk management Framework.
- 5.2 The Planning Inspector appointed to examine the Local Plan Review will consider whether a council has complied with the duty to co-operate as set out in the NPPF and relevant legislation, including relevant Statements of Common Ground. Should the Inspector consider that the Council has not met this duty and associated requirements then the Local Plan Review may fail Independent Examination.
- 5.3 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.
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## **6. 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 the Defence Infrastructure Organisation

Exempt Appendix 2: Draft Statement of Common Ground between Maidstone Borough Council and Kent County Council Minerals)

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## **7. Background Documents**

[Report to SPI Committee, 9 March 2021: Practice & Procedure Protocol: Duty to Cooperate](#)

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# Agenda Item 14

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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