

URGENT LEAD MEMBER FOR PLANNING AND INFRASTRUCTURE MEETING

Date: Thursday 15 September 2022
Time: 9.00 am
Venue: Maidstone House, King Street, Maidstone

Membership: Councillor Cooper

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.

AGENDA

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1. To consider whether any items need to be taken in private due to the possible disclosure of exempt information
2. Statements of Common Ground between Maidstone Borough Council and Kent County Council (Minerals), and Maidstone Borough Council and Kent Downs AONB Unit 1 - 6

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

3. Exempt Appendix 1 and 2 to Item 2 - Draft Statements of Common Ground between Maidstone Borough Council and Kent County Council (Minerals), and Maidstone Borough Council and Kent Downs AONB Unit
Paragraph 3 – Information relating to the financial or business affairs of any particular individual (including the authority holding that information) 7 - 23

INFORMATION FOR THE PUBLIC

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Issued on 12 September 2022

Alison Broom

Alison Broom, Chief Executive

**URGENT LEAD MEMBER FOR
PLANNING AND
INFRASTRUCTURE MEETING**

**15 September
2022**

Draft Statements of Common Ground

Timetable	
Meeting	Date
Urgent Lead Member for Planning and Infrastructure Meeting	15 September 2022

Will this be a Key Decision?	No
Urgency	Urgent The Planning Inspector for the Local Plan Review requires the Council to submit the signed Statements of Common Ground between KCC Minerals Team and MBC, and between the Kent Downs AONB Unit and MBC, to him by Friday 16 th September 2022
Final Decision-Maker	Lead Member for Planning and Infrastructure
Lead Head of Service	Phil Coyne (Interim Director, Local Plan Review)
Lead Officer and Report Author	Mark Egerton (Strategic Planning Manager)
Classification	Public Report with Exempt Appendices <i>Exempt Appendices Appendix 1: Draft Statement of Common Ground between Maidstone Borough Council & Kent County Council Minerals Team. Appendix 2: Draft Statement of Common ground between Maidstone Borough Council and the Kent Downs AONB Unit. 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</i>

	<i>Ground are draft documents and are currently 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.</i>
Wards affected	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 Kent County Council Minerals Team (Exempt Appendix 1) and Kent Downs AONB Unit (Exempt Appendix 2). The report recommends approval of these new Statements of Common Ground as set out in the Exempt Appendices.

Purpose of Report

Decision – Approve the Statements of Common Ground attached as Exempt Appendices 1 and 2

This report makes the following recommendations to the Lead Member for Planning and Infrastructure:

1. That the Draft Statement of Common Ground between Maidstone Borough Council and Kent County Council Minerals, attached at Exempt Appendix 1 to the report, be approved; and
2. That the Draft Statement of Common Ground between Maidstone Borough Council and Kent Downs AONB Unit, attached at Exempt Appendix 2 to the report, be approved.

Draft Statements of Common Ground

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

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

Legal	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.	Cheryl Parks Mid Kent Legal Services (Planning)
Information Governance	<ul style="list-style-type: none"> The recommendations do not impact personal information (as defined in UK GDPR and Data Protection Act 2018) the Council Processes. 	Information Governance Team
Equalities	<ul style="list-style-type: none"> The recommendations do not propose a change in service therefore will not require an equalities impact assessment 	Equalities & Communities Officer
Public Health	<ul style="list-style-type: none"> We recognise that the recommendations will not negatively impact on population health or that of individuals. 	Public Health Officer
Crime and Disorder	The recommendation will not have a negative impact on Crime and Disorder.	Phil Coyne (Interim Local Plan Review Director)
Procurement	N/A	Phil Coyne (Interim Local Plan Review Director)
Biodiversity and Climate Change	<p>The implications of this report on biodiversity and climate change have been considered and are;</p> <ul style="list-style-type: none"> There are no implications on biodiversity and climate change. 	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 cooperation between the Local Planning Authority and those who play a part in helping deliver the Plan.
- 2.4 This report brings before the Lead Member two SoCG documents. The first has been produced by Maidstone Borough Council in conjunction with KCC Minerals Team and this is attached as Exempt Appendix 1. The second has been produced by Maidstone Borough Council in conjunction with Kent Downs AONB Unit and is attached as Exempt Appendix 2. Both Statements of Common Ground provide updates matters agreed and not agreed with these organisations regarding the Local Plan Review and associated proposals.

3. AVAILABLE OPTIONS

- 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 order that they 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, it would potentially delay the process, meaning that the finalised versions were not signed off by both parties prior to the Inspector's deadline.
- 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.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 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 order that they may be submitted to the Inspector appointed by the Secretary of State
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5. RISK

- 5.1 The risk associated with the recommendation, 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 recommendation, then we are satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.

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 Kent County Council Minerals)

Exempt Appendix 2: Draft Statement of Common Ground between Maidstone Borough Council and Kent Downs AONB Unit

Agenda Item 3

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

Document is Restricted

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