

**Statement of Common Ground between Maidstone Borough  
Council and Tunbridge Wells Borough Council**

<b>Final Decision-Maker</b>	Strategic Planning and Infrastructure Committee
<b>Lead Head of Service</b>	Rob Jarman
<b>Lead Officer and Report Author</b>	Helen Garnett
<b>Classification</b>	<p>Public Report with Exempt Appendix</p> <p>Exempt Appendix Appendix 1: Draft Statement of Common Ground between Maidstone Borough Council &amp; Tunbridge Wells Borough Council.</p> <p>This appendix contains exempt information as classified in paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 in that it contains information relating to the financial or business affairs of any particular person (including the authority holding that information).</p> <p>The public interest in maintaining this exemption outweighs the public interest in its disclosure. As the Statement of Common Ground is a draft document and is currently unsigned by either authority and contains sensitive cross boundary matters. The draft document contains information affecting the business affairs of another authority (Tunbridge Wells Borough Council). The Statement of Common Ground will be published once agreed and signed by both parties.</p>
<b>Wards affected</b>	All

**Executive Summary**

This report brings before committee a draft statement of common ground which has been prepared by Maidstone Borough Council and Tunbridge Wells Borough Council. The Statement of Common Ground summarises the key strategic matters and matters of agreement and disagreement between the boroughs, and outlines the work that will continue to be undertaken by both authorities on any outstanding matters as the local plans are progressed. The report recommends that members agree the statement of common ground as set out in Appendix 1.

**Purpose of Report**

To provide background to the Statement of Common Ground between Maidstone Borough Council and Tunbridge Wells Borough Council and to seek agreement for the statement as appended to this report.

**This report makes the following recommendations to this Committee:**

1. That members agree the statement of common ground between Maidstone Borough Council and Tunbridge Wells Borough Council as appended to this report.

**Timetable**

<b><i>Meeting</i></b>	<b><i>Date</i></b>
Strategic Planning and Infrastructure Committee	09 March 2021

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## 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 each of the corporate priorities.</p>	Rob Jarman
<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 four cross cutting objectives by ensuring that the Local Plan Review is successful at examination.</p>	Rob Jarman
<b>Risk Management</b>	<p>The recommendations seek to reduce the risk associated with the production requirements for the Local Plan Review.</p>	Rob Jarman
<b>Financial</b>	<p>Funding has been set aside for the Local Plan Review in the Medium Term Financial Strategy. This includes funding for the specific work described in this report.</p>	Section 151 Officer & Finance Team
<b>Staffing</b>	<p>We will deliver the recommendations with our current staffing.</p>	Rob Jarman
<b>Legal</b>	<p>Accepting the recommendations will fulfil the Council's duties under Planning and Compulsory</p>	Cheryl Parks Mid Kent Legal

	Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations (2012).  Acting on the recommendations is within the Council's powers as set out in the Planning and Compulsory Purchase Act 2004.	Services (Planning)
<b>Privacy and Data Protection</b>	The recommendations do not require the collection of personal data held by the Council, therefore will not require a data protection impact assessment.	Anna Collier
<b>Equalities</b>	The recommendations do not propose a change in service therefore will not require an equalities impact assessment	Policy & Information Manager
<b>Public Health</b>	No implications identified	[Public Health Officer]
<b>Crime and Disorder</b>	The recommendation will not have a negative impact on Crime and Disorder.	Rob Jarman
<b>Procurement</b>	N/A	[Rob Jarman & Section 151 Officer]

## 2. INTRODUCTION AND BACKGROUND

- 2.1 Maidstone Borough Council has been engaged in ongoing, active and effective duty to cooperate with Tunbridge Wells since the inception of their respective Local Plan Reviews.
- 2.2 Tunbridge Wells Borough Council has produced its pre-submission draft Local Plan Review, and it is expected that consultation will commence in March 2021. To accompany this Regulation 19 draft plan, Tunbridge Wells BC are required to have signed statements of common ground with neighbouring authorities and any necessary prescribed bodies. These statements detail key strategic issues and where there are matters of agreement and disagreement, if any have arisen during the duty to cooperate process.
- 2.3 The draft Statement of Common Ground accompanying this report is a document that has been co-produced by officers from Maidstone Borough Council and Tunbridge Wells Borough Council. It details the key cross boundary issues that have been addressed through discussions.
- 2.4 The key cross boundary strategic matters for consideration between MBC and TWBC, and which have been subject to ongoing discussions, include: housing, employment and retail land need; infrastructure; environment, biodiversity and landscape; transport infrastructure; and flood risk.

- 2.5 A statement of common ground is an iterative document that is signed at key stages of the plan making process. Where plans are to be submitted at different times then this may result in a statement of common ground being brought forward before MBC had it programmed to meet its timetable. However, the signing a statement of common ground at an earlier stage in our plan making process does not preclude the ability for one of the co-signatories to make further updates to the statement. In the case of the MBC/TWBC statement, it will continue to be updated and will again be signed in advance of the MBC Regulation 19 pre-submission draft plan.
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### **3. AVAILABLE OPTIONS**

- 3.1 As Tunbridge Wells Borough Council are due to consult on their Regulation 19 document, the SPI committee are asked to agree the statement of common ground with Tunbridge Wells Borough Council as appended to this report.
- 3.2 Alternatively, Members may choose to amend the statement of common ground, however any such changes may need to be ratified by Tunbridge Wells Borough Council.
- 3.3 Alternatively, members could not agree to the statement of common ground, however this could undermine MBC's ability to demonstrate effective and ongoing duty to cooperate with neighbouring authorities.
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### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 That members agree the Statement of Common Ground as appended to this report. This will allow the Statement of Common ground to be signed off in a timely manner and passed to TWBC for publication with their regulation 19 document.
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### **5. RISK**

- 5.1 The risk associated with these proposals, 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. Should the Inspector consider that the Council has not met this duty then the examination may not proceed to hearings. This will delay the review of the Local Plan.

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.

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## **6. REPORT APPENDICES**

The following documents is 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 Tunbridge Wells Borough Council – to follow.
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