

**Draft Statement of Common Ground with Medway Council**

| <b>Timetable</b>                |              |
|---------------------------------|--------------|
| <b>Meeting</b>                  | <b>Date</b>  |
| Planning and Infrastructure PAC | 08 June 2022 |
| Executive                       | 27 June 2022 |

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|---------------------------------------|---|
| <b>Will this be a Key Decision?</b>   | No  |
| <b>Urgency</b>                        | Not Applicable  |
| <b>Final Decision-Maker</b>           | EXECUTIVE   |
| <b>Lead Head of Service</b>           | Phil Coyne (Interim Director, Local Plan Review),<br>Rob Jarman (Head of Planning and Development)  |
| <b>Lead Officer and Report Author</b> | Helen Garnett (Principal Planning Officer, Strategic Planning)  |
| <b>Classification</b>                 | <p>Public Report with Exempt Appendix</p> <p>Exempt Appendix<br/>Appendix 1: Draft Statement of Common Ground between Maidstone Borough Council &amp; Medway Council.</p> <p>The 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 and contains sensitive cross boundary matters. The draft document contains information affecting</p> |

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|                       | the business affairs of other authorities. The Statement of Common Ground will be published once agreed and signed by both parties. |
| <b>Wards affected</b> | All   |

**Executive Summary**

The Statement of Common Ground between Maidstone Borough Council and Medway Council summarises the key strategic matters and matters of agreement and disagreement between the two councils, and outlines the work that will continue to be undertaken by both authorities on outstanding matters as the Council’s Local Plan Review is progressed. This report brings before the committee a draft Statement of Common Ground (SoCG) which has been prepared by Maidstone Borough Council and Medway Council following amendments made to the SoCG approved by the Council’s previous Strategic Planning and Infrastructure Committee. The report recommends that members agree the amendments to the Statement of Common Ground as set out in Exempt Appendix 1.

**Purpose of Report**

To provide background to the Statement of Common Ground between Maidstone Borough Council and Medway Council and to seek views from Planning and Infrastructure Policy Advisory Committee on the proposed changes to the SoCG as appended to this report (Exempt Appendix 1) prior to a decision being sought from the Executive.

**This report makes the following recommendations to the Executive:**

1. That draft Statement of Common Ground, attached at Exempt Appendix 1 to this report, be recommended to the Executive for approval.

# Draft Statement of Common Ground with Medway Council

## 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 recommendation will materially improve the Council's ability to achieve each of the corporate priorities</p>   | Phil Coyne<br>(Interim Local Plan Review Director) |
| <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 recommendation supports the achievements of the cross cutting objectives by supporting the Local Plan Review.</p> | Phil Coyne<br>(Interim Local Plan Review Director) |
| <b>Risk Management</b>                | The Statement of Common Ground has been produced as part of the Local Plan Review, which takes into account the key requirements and therefore addresses associated risks.  | Phil Coyne<br>(Interim Local Plan Review Director) |
| <b>Financial</b>                      | Comments awaited  | Mark Egerton<br>(Strategic Planning Manager)       |
| <b>Staffing</b>                       | We will deliver the recommendations with our current staffing.  | Phil Coyne<br>(Interim Local Plan Review Director) |

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| <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. | Russell Fitzpatrick (MKLS (Planning))           |
| <b>Information Governance</b>          | Comments awaited   | Mark Egerton (Strategic Planning Manager)       |
| <b>Equalities</b>                      | Comments awaited   | Mark Egerton (Strategic Planning Manager)       |
| <b>Public Health</b>                   | Comments awaited   | Mark Egerton (Strategic Planning Manager)       |
| <b>Crime and Disorder</b>              | The recommendation will not have a negative impact on Crime and Disorder.  | Phil Coyne (Interim Local Plan Review Director) |
| <b>Procurement</b>                     | N/A  | Phil Coyne (Interim Local Plan Review Director) |
| <b>Biodiversity and Climate Change</b> | Comments awaited   | Mark Egerton (Strategic Planning Manager)       |

## **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 under a 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 progress in cooperating to address these
- 2.2 A statement of common ground is a written record of the progress made by strategic policy-making authorities during the process of planning for strategic cross-boundary matters. It documents where effective co-operation 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 part of the evidence required to demonstrate that they have complied with the duty to cooperate.
- 2.3 This report brings before the committee a draft Statement of Common Ground (SoCG) that has been produced by Maidstone Borough Council in conjunction with Medway Council. It details the key cross boundary issues that have been addressed through ongoing Duty to Cooperate discussions which have been held throughout the production of the Maidstone Local Plan Review.
- 2.4 A previous draft of this SoCG was brought before the former Strategic Planning and Infrastructure Committee on the 21 March 2022, for agreement in advance of submission of the Local Plan Review to the Planning Inspectorate.
- 2.5 In March 2022 Medway Council informed MBC that the SoCG would need to be agreed at their Cabinet, rather than being signed off at officer level as had been the process with previous drafts of the SoCG. At the Medway Cabinet of the 10 May 2022, members resolved that further work needed to be done to clarify Medway's position in advance of signing.
- 2.6 Officers at Medway Council have now amended the SoCG and this has been reviewed by officers at MBC. The SoCG as appended to this report includes further amendments and points of clarifications suggested by MBC officers.
- 2.7 The amendments to the SoCG do not change the overall thrust of the document, nor do they introduce any new issues. Instead the changes largely reaffirm previous positions and points made elsewhere in the document.
- 2.8 As a previous version of this SoCG has already been agreed at the former SPI committee, this report seeks approval only for the changes that have been made to the SoCG since that committee

### **3. AVAILABLE OPTIONS**

- 3.1 Option 1: That Planning and Infrastructure PAC recommend that the draft SOCG be approved by the Executive. 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.
  - 3.2 Option 2: That Planning and Infrastructure PAC recommend that the draft SOCG be approved by the Executive, subject to further comments and changes. 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.
  - 3.3 Option 3: That Planning and Infrastructure PAC recommend that the draft SOCG is not approved by the Executive. However, this would mean the Statement of Common Ground could not be finalised and signed, thus failing national requirements associated with the production of the Local Plan Review.
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### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 That Planning and Infrastructure PAC recommend that the draft SOCG be approved by the Executive. This would allow the Statement of Common Ground to be finalised and signed off in a timely manner and submitted to the Planning Inspector.
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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 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
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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 Medway Council**

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