

## **MAIDSTONE BOROUGH COUNCIL**

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

Decision Made: Thursday 15 September 2022

#### **Statements of Common Ground between Maidstone Borough Council and Kent County Council (Minerals), and Maidstone Borough Council and Kent Downs AONB Unit**

##### **Issue for Decision**

1.1 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.

1.2 The bodies are Kent County Council Minerals Team (Exempt Appendix 1) and Kent Downs AONB Unit (Exempt Appendix 2).

##### **Decision Made**

That:

1. 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. 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.

##### **Reason for Decision**

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 The first SoCG for consideration has been produced by Maidstone Borough Council in conjunction with KCC Minerals Team and this is attached as Exempt Appendix 1 to the report. The second has been produced by Maidstone Borough Council in conjunction with Kent Downs AONB Unit and is attached as Exempt Appendix 2 to the report. Both Statements of Common Ground provide updates matters agreed and not agreed with these organisations regarding the Local Plan Review and associated proposals.

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

3. Due to the urgent nature of the decision, the Planning and Infrastructure Policy Advisory Committee was not able to be consulted. This is in accordance with the Council's Constitution, Part A2, 7.6.2 (g). All Members were informed of the urgent Individual Lead Member decision-making meeting, to consider the two draft Statements of Common Ground.

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

4.1 Option 1: That the draft SoCG (Exempt Appendices 1 and 2 to the report) 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.

If agreement is secured, then the risks associated are satisfactorily within the Council's risk appetite and will be managed as per the Policy.

4.2 Option 2: That the draft SoCG (Exempt Appendices 1 and 2 to the report) 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.

4.3 Option 3: That the draft SoCG (Exempt Appendices 1 and 2 to the report) 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.

### **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 – Cllr Paul Cooper)

Full details of the report for the decision and any consideration by the relevant Policy Advisory Committee can be found at the following area of the [website](#).

**Call-In Waiver:** This is an urgent decision required to fulfil the Planning Inspector's request for both draft Statements of Common Ground to be provided by Friday 16 September 2022, as part of the Local Plan Review. The decision will therefore not be subject to call-in and will be implemented immediately.