

Lead Member for Planning and Infrastructure

21 October 2022

Draft Statements of Common Ground – Soft Sand and Lower Thames Crossing

Timetable	
Meeting	Date
Planning and Infrastructure Committee PAC	17 October 2022
Lead Member on the Executive for Planning and Infrastructure	21 October 2022

Will this be a Key Decision?	No
Urgency	Not Applicable
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	<p>Public Report with Exempt Appendices</p> <p>Exempt Appendices</p> <p>Appendix 1: Draft Statement of Common Ground between Maidstone Borough Council, Kent County Council, East Sussex County Council, Brighton and Hove City Council, West Sussex County Council, and the South Downs National Park Authority</p> <p>Appendix 2: Draft Statement of Common Ground between Maidstone Borough Council & National Highways</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</p>

	<p>outweighs the public interest in their disclosure. The Statements of Common 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.</p>
Wards affected	All

Executive Summary

The draft Statements of Common Ground (SoCG) appended to this report summarise the key strategic matters between Maidstone Borough Council and other bodies. The bodies are Kent County Council, East Sussex County Council, Brighton and Hove City Council, West Sussex County Council, and the South Downs National Park Authority (Exempt Appendix 1) and National Highways (Exempt Appendix 2). The SoCG at Exempt Appendix 1 relates to the forthcoming examination of the East Sussex County Council, Brighton and Hove City Council and South Downs National Park Authority plan review and the SoCG at Exempt Appendix 2 relates to the Lower Thames Crossing Development Consent Order. The report recommends that members recommend approval of these new Statements of Common Ground as set out in the Exempt Appendices.

Purpose of Report

To provide background to and current versions of the Draft Statements of Common Ground between Maidstone Borough Council, Kent County Council, East Sussex County Council, Brighton and Hove City Council, West Sussex County Council, and the South Downs National Park Authority, and between Maidstone Borough Council and National Highways. 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.

The report makes the following recommendation to the Lead Member for Planning and Infrastructure:

1. That the draft Statement of Common Ground on Soft Sand between Maidstone Borough Council and Kent County Council, East Sussex County Council, Brighton and Hove City Council, West Sussex County Council, and the South Downs National Park Authority, attached at Exempt Appendix 1 to this report, be approved; and
2. That the draft Statement of Common Ground on the Lower Thames Crossing between Maidstone Borough Council and National Highways, attached at Exempt Appendix 2 to this report, be approved.

Draft Statements of Common Ground – Soft Sand and Lower Thames Crossing

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 recommendation will materially improve the Council's ability to achieve the corporate priorities.</p>	Interim Director (Local Plan Review)
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 recommendation supports the various strands of the Council's ongoing strategic planning work, all of which contribute toward achievement of the cross cutting objectives by supporting the Local Plan Review.</p>	Interim Director (Local Plan Review)
Risk Management	<p>The Statements of Common Ground and associated protocol have been produced as part of both our ongoing strategic planning work with adjacent authorities in relation to their planning functions, and our own current the Local Plan Review, both of which take into account the key requirements and therefore addresses associated risks.</p>	Interim Director (Local Plan Review)
Financial	<p>There are no financial implications to note, any costs will be accommodated within existing budgets</p>	Section 151 Officer

Staffing	We will deliver the recommendation with our current staffing.	Interim Director (Local Plan Review)
Legal	Accepting the recommendation 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	MKLS (Planning) Team Leader
Information Governance	The recommendation does not impact personal information (as defined in UK GDPR and Data Protection Act 2018) the Council Processes	Information Governance Team
Equalities	The recommendation does not propose a change in service therefore will not require an equalities impact assessment	Equalities & Communities Officer
Public Health	We recognise that the recommendation will not negatively impact on population health or that of individuals.	Senior Public Health Officer
Crime and Disorder	The recommendation will not have a negative impact on Crime and Disorder.	Interim Director (Local Plan Review)
Procurement	N/A	Interim Director (Local Plan Review)
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) when preparing development plan documents 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 (SoCG), documenting the cross-boundary matters being addressed and to describe progress in cooperating to address these.
- 2.2 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 even if there are still matters to be resolved. 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 their Plan.
- 2.4 This report brings before the committee two SoCG documents. The first has been produced by East Sussex County Council, Brighton and Hove City Council and South Downs National Park Authority. It is a SoCG associated with the production of their Minerals and Waste Local Plan Review, and Kent County Council and Maidstone Borough Councils are cosignatories of that statement.
- 2.5 The SoCG has regard to extraction of soft sand, where the authorities have limited reserves and so have reliance on reserves outside their areas, including Kent and West Sussex. Maidstone's involvement arises from the fact that the main viable soft-sand sites in Kent are located within its borough. Consequently, any decision made on soft sand extraction which seeks to make reliance on sources from outside the plan review area would consider land within the borough of Maidstone.
- 2.6 The draft SoCG seeks to formalise this position; to allow the East Sussex County Council, Brighton and Hove City Council and South Downs National Park Authority plan review to use an assumption that reliance is being made on soft-sand supplies from outside the area. This is the second report on this SoCG to have been presented to Members. The previous SoCG was approved by February 2022 Strategic Planning and Infrastructure Committee. Since then, the SoCG has been subject to minor changes in relation to extraction quantities and so requires further sign-off. It is attached to this report as Exempt Appendix 1.

- 2.7 The second SoCG has been requested by National Highways and sets out the position between National Highways and the Council regarding the Lower Thames Crossing (LTC) only. Members may wish to note that there is a separate SoCG between the Council and National Highways in relation to the Local Plan Review. The SoCG in relation to LTC is attached as Exempt Appendix 2.
- 2.8 This SoCG notes the position of the Council regarding various components of the LTC, including the need for the project, route alignment, traffic modelling and impacts. The positions reflect previous LTC consultation responses. Previous engagement activities are also listed.
- 2.9 In terms of relationship between this SoCG, the Kent Minerals and Waste Local Plan, and the wider Local Plan Review, this SoCG reflects that there is a demand for soft sand from allocated reserves within the borough. It should also be noted that Local Plan Review sites have undergone full minerals assessments to demonstrate that safeguarded reserves are not being needlessly sterilised by proposed development.
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3. AVAILABLE OPTIONS

- 3.1 Option 1: That the draft SOCG's (Exempt Appendices 1 and 2) are approved by the Lead Member 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's (Exempt Appendices 1 and 2) be approved by the Lead Member 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 it may cause delays in examination processes.
- 3.3 Option 3: That the draft SOCG's (Exempt Appendices 1 and 2) are not approved by the Lead Member 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 and discharge of our duty to cooperate with other authorities.
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4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 4.1 Option 1. That the draft SOCG (Exempt Appendices 1 and 2) are approved by the Lead Member 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.
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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 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.

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 This issue will be considered by the Planning and Infrastructure Policy Advisory Committee on 17 October 2022.

7. 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, Kent County Council, East Sussex County Council, Brighton and Hove City Council, West Sussex County Council, and the South Downs National Park Authority

Exempt Appendix 2: Draft Statement of Common Ground between Maidstone Borough Council & National Highways
