

**CABINET MEMBER FOR  
PLANNING, INFRASTRUCTURE  
AND ECONOMIC DEVELOPMENT**

**7 June 2023**

**Statement of Common Ground for Local Plan Review**

<b>Timetable</b>	
<b>Meeting</b>	<b>Date</b>
Planning, Infrastructure and Economic Development Committee PAC	Being signed under urgency procedure
Cabinet Member for Planning, Infrastructure and Economic Development	07 June 2023

<b>Will this be a Key Decision?</b>	No
<b>Urgency</b>	Urgent  Call in has been waived by the OSC Chairman and the Mayor
<b>Final Decision-Maker</b>	Cabinet Member for Planning, Infrastructure and Economic Development
<b>Lead Head of Service</b>	Phil Coyne (Interim Director, Local Plan Review)
<b>Lead Officer and Report Author</b>	Helen Garnett (Principal Planner, Strategic Planning)
<b>Classification</b>	Public report with exempt appendices  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 Statement 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 and bodies.

	It is intended to publish the Statement of Common Ground, once it has been agreed and signed by all relevant parties, as evidence to support the Local Plan Review examination.
<b>Wards affected</b>	All

### **Executive Summary**

The draft Statement of Common Ground (SoCG) relating to this report summarises key strategic matters between Maidstone Borough Council and Kent County Council (Exempt Appendix 1). The SoCG relates to the examination of Maidstone Borough Council's Local Plan Review and specifically the Duty to Cooperate obligation, which is an important part of the planning process. The report recommends that the Cabinet Member signs this Statement of Common Ground as set out in the Exempt Appendix.

### **Purpose of Report**

To provide background to and current version of the draft Statement of Common Ground between Maidstone Borough Council and Kent County Council.

### **This report makes the following recommendation to the Cabinet Member on for Planning, Infrastructure and Economic Development:**

1. That the Draft Statement of Common Ground between Maidstone Borough Council and Kent County Council, attached as Exempt Appendix 1 to this report, be approved;
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# Statements of Common Ground for Local Plan Review

## 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 the corporate priorities.</p>	Phil Coyne (Interim Director – Local Plan Review)
<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 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>	Phil Coyne (Interim Director – Local Plan Review)
<b>Risk Management</b>	<p>The Statement of Common Ground and associated protocol have been produced as part of both our ongoing strategic planning work with adjacent authorities and other bodies 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>	Phil Coyne (Interim Director – Local Plan Review)
<b>Financial</b>	<p>There are no direct financial implications to note.</p>	Phil Coyne (Interim Director –

		Local Plan Review)
<b>Staffing</b>	We will deliver the recommendations with our current staffing.	Phil Coyne (Interim Director – Local Plan Review)
<b>Legal</b>	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.	Phil Coyne (Interim Director – Local Plan Review)
<b>Information Governance</b>	There are no concerns with regards to the Data Protection Act 2018 and UK GDPR.	Phil Coyne (Interim Director – Local Plan Review)
<b>Equalities</b>	The recommendations do not propose a change in service therefore will not require an equalities impact assessment.	Phil Coyne (Interim Director – Local Plan Review)
<b>Public Health</b>	The recommendations will not negatively impact on population health or that of individuals.	Phil Coyne (Interim Director – Local Plan Review)
<b>Crime and Disorder</b>	The recommendations will not have a negative impact on crime and disorder.	Phil Coyne (Interim Director – Local Plan Review)
<b>Procurement</b>	Not applicable.	Phil Coyne (Interim Director – Local Plan Review)
<b>Biodiversity and Climate Change</b>	This report forms part of the overall local plan process, for which climate change and biodiversity matters are considered on a topic by topic basis.	Phil Coyne (Interim Director – Local Plan Review)

## 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 policy making 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. This is pertinent to the Maidstone Local Plan Review, which was submitted to the Secretary of State for Examination in Public on 31 March 2022. The examination hearings are currently in process. SoCG are being used by the Council to demonstrate legal compliance in terms of the plan-making process, as well as to demonstrate progress in resolving issues of plan soundness that the Planning Inspector is considering following representations made during the Regulation 19 consultation and the examination.
- 2.4 This report brings to the Cabinet Member a Statement of Common Ground. The SoCG in Exempt Appendix 1 has been produced by Maidstone Borough Council and Kent County Council. It provides an update to the current SoCG following further transport work and ongoing liaison with Kent County Council. It does not include Minerals and waste, which is the subject of a SoCG which is already completed, or education, which is subject to a separate SoCG which is not yet complete.
- 2.5 The SoCG is presented to the Cabinet Member for Planning, Infrastructure and Economic Development. The SoCG has previously been made available in draft form to the Planning and Infrastructure Policy Advisory Committee (now decommissioned), in November 2022, for its views.
- 2.6 Principal updates to the SoCG relate to the additional evidence that has been produced, particularly with regard to junction modelling and associated potential mitigations, as required by the Local Plan Review Inspector, following requests for additional information from Kent County Council.

- 2.7 It should be noted that this SoCG has not yet been signed by Kent County Council. MBC has provided several iterations of the document and has undertaken a range of amendments in response to requests from KCC. However, to date no signed document has been received from KCC. Notwithstanding this, it is felt important that with the examination hearings into the Local Plan Review due to close imminently, the Inspector should be provided with a copy of this document for his information and for inclusion in the evidence base. It will be made clear to the Inspector that the version being lodged only contains Maidstone Borough Council as signatory.
- 2.8 Due to urgency, this updated version of the SoCG will be signed off by the Cabinet Member without going back to PAC.
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### **3. AVAILABLE OPTIONS**

- 3.1 Option 1: That the Statement of Common Ground (Exempt Appendix 1) is approved and signed by the Cabinet Member for Planning, Infrastructure and Economic Development, in order that it may be published as part of the Council's evidence base for the Local Plan Review examination.
- 3.2 Option 2: That the draft Statement of Common Ground (Exempt Appendix 1) is not approved by the Cabinet Member for Planning, Infrastructure and Economic Development. However, this would mean the document could not be approved and signed, thus potentially prejudicing national requirements associated with the production of the Local Plan Review and discharge of the Council's duty to cooperate with other authorities.
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### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 Option 1. That the draft Statement of Common Ground (Exempt Appendix 1) is approved and signed by the Cabinet Member for Planning, Infrastructure and Economic Development. This would allow the document to be agreed and signed, in accordance with the agreed protocol, in order that it may be published as part of the Council's evidence base for the Local Plan Review examination.
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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.

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## **6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 6.1 If approved by the Cabinet Member, the Statement of Common Ground will be submitted to the Inspector undertaking examination of the Local Plan Review as part of the Council's evidence base.
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## **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 and Kent County Council
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