

**SoCG in relation to the East Sussex, Brighton and Hove,
and South Downs National Park Authority Minerals and
Waste Plan**

Final Decision-Maker	Strategic Planning and Infrastructure Committee
Lead Head of Service	Rob Jarman, Head of Planning and Development
Lead Officer and Report Author	Helen Garnett – Principal Planning Officer, Strategic Planning
Classification	<p>Public Report with Exempt Appendix</p> <p>Exempt Appendix Appendix 1: Draft Statement of Common Ground between Maidstone Borough Council & Tunbridge Wells Borough 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 the business affairs of other authorities. The Statement of Common Ground will be published once agreed and signed by both parties.</p>
Wards affected	All

Executive Summary

This report brings before committee a draft Statement of Common Ground (SoCG) relating to the East Sussex County Council, Brighton and Hove City Council and South Downs National Park Authority review of their adopted Minerals and Waste Local Plan. It outlines the background to the SoCG, sets out the relationship between mineral resources in that area and West Sussex, Kent County Council and Maidstone Borough Council, and highlights the key matters considered in the draft SoCG,

The report recommends that members agree the draft SoCG as set out in Appendix 1.

Purpose of Report

To provide background to the Statement of Common Ground and to seek agreement for the signing of 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, Kent County Council, East Sussex County Council, Brighton and Hove City Council, West Sussex County Council, and the South Downs National Park Authority, as appended to this report.

Timetable

<i>Meeting</i>	<i>Date</i>
Strategic Planning and Infrastructure Committee	08 February 2022

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1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<p>The four Strategic Plan objectives are:</p> <p>Embracing Growth and Enabling Infrastructure Safe, Clean and Green Homes and Communities A Thriving Place</p> <p>Accepting the recommendation will ensure the Council's position is set out and the objectives are considered.</p>	Rob Jarman
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>Accepting the recommendation will ensure the Council's position is set out and the objectives are considered.</p>	Rob Jarman
Risk Management	<p>The recommendations seek to reduce the risk associated with the production requirements for the Local Plan Review and other forthcoming strategic planning documents.</p>	Rob Jarman
Financial	<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>	Mark Green
Staffing	<p>We will deliver the recommendations with our current staffing.</p>	Rob Jarman
Legal	<p>Accepting the recommendations will fulfil the Council's duties under Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning)</p>	Cheryl Parks Mid Kent Legal Services (Planning)

	(England) Regulations (2012).	
Privacy and Data Protection	The recommendations do not require the collection of personal data held by the Council, therefore will not require a data protection impact assessment.	Policy and Information Team
Equalities	The recommendations do not propose a change in service therefore will not require an equalities impact assessment	Equalities & Communities Officer
Public Health	No implications identified	[Public Health Officer]
Crime and Disorder	The recommendation will not have a negative impact on Crime and Disorder.	Rob Jarman
Procurement	N/A	[Rob Jarman & Section 151 Officer]
Biodiversity and Climate Change	The implications of the recommendation within this report on biodiversity and climate change are not considered to be significant.	Biodiversity and Climate Change Manger

2. INTRODUCTION AND BACKGROUND

- 2.1 Strategic plan-making authorities are required to cooperate with each other, and other bodies, when preparing, or supporting the preparation of policies which address strategic matters.
- 2.2 Furthermore, Planning Practice Guidance states that where there is a Statement of Common Ground associated with a Minerals and Waste Plan in two-tier areas, that "district councils within the county are expected to be treated as additional signatories on the statement of common ground for county council minerals and waste plans."
- 2.3 Whilst the draft Statement of Common Ground which is the subject of this report is not directly associated with the Kent Minerals and Waste plan, it nevertheless has implications for land within Kent and Maidstone Borough. It is for this reason that Kent County and Maidstone Borough Councils are co-signatories of the statement.
- 2.4 As is required by the NPPF, minerals authorities are required to make provision for a steady and adequate supply of minerals. Duly, East Sussex County Council (ESCC), Brighton and Hove City Council (BHCC) and South Downs National Park Authority (SDNPA) Minerals and Waste Local Plan Review [the plan review] considers need across a range of aggregate types.

- 2.5 Soft sand is primarily used for construction purposes and is an important aggregate which cannot be substituted. However, as indicated in the SoCG, the area which is subject to the plan review has limited reserves that will not meet the identified need of the three authorities. In addition, the reserves which are viable are located within the South Downs National Park where stringent landscape impact controls limit their scope for extraction.
- 2.6 Because of these limited reserves, it is understood that development in the plan review area has made reliance on soft sand reserves from outside ESCC, BHCC & SDNPA, mainly from Kent and West Sussex. Whilst it is not possible to ascertain the extent of cross boundary movement between West Sussex/Kent extraction sites and the plan review area, strong transport links would suggest that historical sales in Kent and West Sussex have incorporated material being transported across county boundaries into the plan review area.
- 2.7 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.
- 2.8 The draft Statement of Common ground seeks to formalise this position; to allow the plan review to use an assumption that reliance is being made on soft-sand supplies from outside the area.
- 2.9 In terms of implications for Kent, the Kent Minerals and Waste Plan (Adopted 2020) makes provision for a robust supply of soft sand as outlined in table 1 of the draft SoCG and therefore no additional extraction in Kent is proposed.
- 2.10 Section 4 of the draft SoCG sets out the key points of agreement between parties and relating to Maidstone are points 4 and 5. Point 4 states that KCC will plan to maintain the current reserve base of soft sand. Point 5 acknowledges the role that supplies in Kent have in meeting the wider need of the South East.
- 2.11 Given it is likely that historical extraction has been higher owing to wider South East demand for soft-sand, existing forecasts for Kent have already accounted for this and this additional demand has been factored into the Kent Minerals and Waste Plan 2020. The draft SoCG reflects this position and therefore the implications of this agreement for Maidstone are limited as it merely reaffirms the need maintain current mineral site allocations and extraction rates.
- 2.12 The SoCG is in draft form and may be subject to minor amendments and updates. These will be dealt with in line with the protocol agreed at the March 2021 SPI committee.

3. AVAILABLE OPTIONS

- 3.1 The SPI Committee are asked to agree the 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, as appended to this report.

- 3.2 Alternatively, Members may choose to amend the draft statement of common ground, however any such changes are likely to need to be ratified by the other co-signatories.
 - 3.3 Alternatively, members could not agree to the draft statement of common ground, however this could undermine MBC's ability to demonstrate effective and ongoing duty to cooperate with prescribed bodies at examination of its own plan.
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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.
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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 Whilst this SoCG is not directly associated with the Local Plan Review, The Planning Inspector appointed to examine the Maidstone Local Plan Review will nevertheless consider whether a council has complied with the duty to co-operate as a whole, as set out in the NPPF and relevant legislation. Failure to meet the Council's duty will potentially impact on the examination and adoption of the Local Plan Review.
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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, Kent County Council, East Sussex County Council, Brighton and Hove City Council, West Sussex County Council, and the South Downs National Park Authority.
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