

Session 1A – Legal & Procedural Matters

Written Statement from Joint Parishes Group

Context

1. The Joint Parishes Group (JPG) is one of the components of the Coordinating Team that has come together to express concerns with the draft Maidstone Local Plan as submitted to the Inspector.
2. The Coordinating Team consists of JPG, Kent Association of Local Councils – Maidstone Area, Maidstone CPRE, The Bearsted & Thurnham Society and Leeds Castle.
3. This paper is intended as a supplement to the submission by Roger Vidler on behalf of the Coordinating Team.
4. The latter majored on the issues surrounding “cooperation”. This paper focuses specifically on Maidstone’s consultation with Parishes and, in particular, the gulf between what MBC stated as their intention on this front and what was actually delivered.

MBC’s Stated Intent to Engage

5. The MBC Statement of Community Involvement 2013 acknowledges at 2.6:-

“The duty to co-operate as set out in the Localism Act 2011 requires local planning authorities, county councils and other public organisations to engage with one another and consider joint approaches to plan making.”
6. Again, this obligation is acknowledged in the Sustainability Appraisal of the Maidstone Local Plan, February 2016 at 3.38:-

“All consultation is recorded in the Consultation Statement and Duty to Co-operate Statement – which form part of the submission to the Local Plan.”
7. The Duty to co-operate in relation to planning of sustainable development is stated in Part 2 of the Planning and Compulsory Purchase Act 2004 at s.33 (A):-

(2) In particular, the duty imposed upon a person by subsection (1) requires the person—

(a) to engage constructively, actively and on an ongoing basis in any process by means of which activities within subsection (3) are undertaken,

(3) The activities within this subsection are—

(a) the preparation of development plan documents

(b) the preparation of other local plan documents.
8. Parish Councils are, of course, statutory consultees within The Town and Country Planning (Local Planning) (England) Regulations 2012 [SI 767/2012]. MBC, by its representations and holding out, has effectively extended the statutory definition of the Duty to Cooperate to include Parish Councils.

See: Annual Monitoring Report 2011-12 Picture 4.1 Maidstone’s duty to cooperate.

See: Annual Monitoring Report 31 March 2012 to 1 April 2013, Figure 4.1 Maidstone’s duty to cooperate.

See: Statement of Community Involvement 2013 - Forward by Cllr Stephen Paine (our highlighting):

“The borough of Maidstone is a fantastic place to live, and we want everyone who lives or works here to feel as though they have a stake in the area.

To generate that sense of ‘belonging’ we must make sure communities and businesses can shape the places in which they live work and trade.

This means engagement with the council at all steps of the planning process- from policy formation to individual planning applications. The Statement of Community Involvement is our means to achieve this.

We want residents, businesses, **parish councils** and other groups to have their say in the development of the borough- as well as their local areas. We want developers, with exciting applications, to talk to us about ways we can help their businesses and clients thrive within the borough. Likewise we want to hear from communities about ways we can tackle problems in the built environment, improve our areas, and enforce development rules.

We want people to have power – and plenty of opportunities- to tell us what they like and don't like about plans, policies and applications. People who engage with us must walk away feeling that their points have been heard and considered.

Our duty is to ensure the means for proper consultations are in place. Our responsibility is to listen to the things you tell us, and use your responses to shape and improve the borough, for the benefit of all."

Core Strategy Public Participation (Reg.25) Consultation 2011.

9. The Joint Parishes Group responded to the MBC Core Strategy Public Participation (Reg.25) Consultation 2011. To ensure an objective approach we engaged Mr. Richard Eastham of Feria Urbanism to collect the views from the parishes and to co-ordinate the joint response.
10. The result was recognised by the Royal Institution of British Architects as a case study within their best practice Guide.
11. To assist Members and Officers of MBC, we asked Richard Eastham to hold a presentation of our response at the Tudor Marriott Hotel on the 8th December 2011.
12. MBC were due to respond by 13 June 2012. Any amendments would then have been made before formal publication of the strategy.
13. Then on the 16th May 2012 MBC announced a change to both the substance and procedure of the consultation.
14. The Cabinet approved a paper on strategic site allocations, for consultation from 17th August to 1st October 2012.

Strategic Site Allocations Document & Draft Integrated Transport Strategy 2012

15. In October 2012 Feria Urbanism again submitted a Consultation Response on behalf of the Joint Parishes Group to MBC - Core Strategy Strategic Site Allocations Document and Draft Integrated Transport Strategy 2012. We noted:-

“No Proper Response to the Reg.25 Process

There must be complaint that despite extensive public participation in the consultation process MBC have failed to provide a reasoned or any response to consultees on the Reg.25 Consultation 2011. The JPG submitted an extensive response to the Reg.25 Consultation but have never received a full acknowledgement or response to this from MBC. It therefore appears that the Council are now taking decisions on the matters without the proper engagement of its partners and stakeholders”.

16. In July 2012 Cllr Garland, together with Cllr Paine and Mr. Rob Jarman joined us for the first of two meetings at the Tudor Marriott to jointly engage in taking forward the Local Plan and integrating within it Neighbourhood Plans.

17. The rest was silence.

MBC Green and Blue Strategy Consultation - 22nd January 2014

18. This included workshops.

19. In our response we noted, inter alia,

- a) Many of us feel that the retention of a town council name has also meant the retention of a town centre mindset to the detriment of the adjacent rural community.
- b) From the “engagement” meeting on the 16th December 2013, it was clear that both officers and members of MBC have obsessionism with exponential housing targets to the exclusion of all other considerations including this strategy.

and we concluded:

- i. MBC have now been engaged in producing a Local Plan for well over a decade. The individual members have attended numerous public meetings, “consultations” and responded to various papers. They have received no feedback from MBC.
- ii. In the view of the JPG, to cause or permit the enunciated and constantly increasing amount of development without first giving attention to and resolving the underlying and fundamental issues would be less than responsible.
- iii. Upon the current evidence the JPG have no confidence in MBC and wish to Note a Protest.

Maidstone Borough Local Plan (Regulation 18) -Representation from the Joint Parishes Group.

20. We again asked Feria Urbanism to prepare our response to the Consultation. We summarised our main concerns:--

- (a) Lack of Joint Working between the Parishes and MBC
- (b) Formulation of the “Spatial Vision” without consent
- (c) Application of Density Values to Allocation Sites leading to numbers led, rather than place-led.
- (d) Overall Housing Numbers + Subsequent distribution.
- (e) Housing Numbers methodology, giving methodology fault.
- (f) Affordable Housing in Rural areas.
- (g) Risk of coalescence with the Maidstone Urban Area.
- (h) Infrastructure Requirements and RSCs.
- (i) Sustainability Issues
- (j) Water Supply + Waste Water Drainage
- (k) Parks + Open Areas of Green Space

- (l) Heritage
- (m) Landscape
- (n) Employment + Commercial Developments
- (o) The Role of Parish Councils + Neighbourhood Planning. There is a lacklustre regard for NPs and an omission as to how they may complement the Local Plan; nor any aspiration to incorporate local expertise and knowledge within the emerging Plan.

and we concluded:

- i. MBC have now been engaged in producing a Local Plan (formerly a Core Strategy) for well over a decade. During this time individual parish members have attended numerous public meetings, consultations and responded to various papers, yet they have **received little or no feedback on their efforts from MBC.**
- ii. As a result the JPG has little confidence in the Local Plan, as published in draft and **cannot support it in its current form.**

MBC Local Plan Publication (Regulation 19) Consultation.

21. The response by the JPG has already been submitted to the Planning Inspectorate.

CONCLUSION;

22. All too often, the hallmark of MBC planning has been seen as “Command and Control”. This is inimical to any joint co-operation or local community view.

23. Lord Denning has summarised the issue:-

“A proper hearing must always include a fair opportunity to those who are parties in the controversy for correcting or contradicting anything prejudicial to their view.”

24. A prerogative that has consistently been denied to us.