

MAIDSTONE BOROUGH COUNCIL

MINUTES OF THE EXTRAORDINARY MEETING OF MAIDSTONE BOROUGH COUNCIL HELD AT THE MOTE HALL, MAIDSTONE LEISURE CENTRE, MOTE PARK, MAIDSTONE ON 6 OCTOBER 2021

Present: Councillor Mrs Gooch (Mayor), and
Councillors Bartlett, Mrs Blackmore, Brindle, Bryant,
Burton, Cannon, Clark, Coates, Cooke, Cooper,
Cuming, Daley, English, Fissenden, Forecast, Fort,
Garten, Mrs Grigg, Harper, Harwood, Hastie, Hinder,
Holmes, Joy, Khadka, Kimmance, McKay, McKenna,
Mortimer, Munford, Naghi, Newton, Parfitt-Reid,
Perry, Purle, Mrs Ring, Mrs Robertson, D Rose, Round,
Russell, J Sams, T Sams, Spooner, Springett,
Trzebinski, R Webb, S Webb, de Wiggondene-
Sheppard and Young

79. **RECORDING OF PROCEEDINGS**

Councillor McKay reserved his right to record the proceedings.

80. **APOLOGIES FOR ABSENCE**

It was noted that apologies for absence had been received from Councillors Brice, Cox, Eves, M Rose and Wilby.

81. **DISPENSATIONS**

There were no applications for dispensations.

82. **DISCLOSURES BY MEMBERS AND OFFICERS**

There were no disclosures by Members or Officers.

83. **DISCLOSURES OF LOBBYING**

All Members indicated that they had been lobbied on the matters to be discussed at the meeting.

84. **EXEMPT ITEMS**

RESOLVED: That the items on the agenda be taken in public as proposed except the Working Draft Statements of Common Ground with neighbouring authorities and other prescribed bodies attached as exempt Appendix 4 to the Local Plan Review report submitted to the Strategic Planning and Infrastructure Committee on 4 October 2021.

The Mayor said that as there were Part I summaries of each of the Working Draft Statements of Common Ground within the Local Plan Review report, which could be discussed during open session, she believed that Members could reference those sufficiently without the need to move into closed session.

85. MAYOR'S ANNOUNCEMENTS

There were no Mayor's Announcements on this occasion.

86. PETITIONS

There were no petitions.

87. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

Question from Mr Stuart Jeffery to the Chairman of the Strategic Planning and Infrastructure Committee

Over the period 2022 to 2037 the Council proposes that 17,355 homes are built. Given that the Council agrees that there is a climate emergency, can the Council tell me how much carbon will be emitted in the construction of these homes?

The Chairman of the Strategic Planning and Infrastructure Committee responded to the question.

Mr Jeffery asked the following supplementary question of the Chairman of the Strategic Planning and Infrastructure Committee:

Given that you cannot answer that question and that the Council has declared a climate emergency, and the definition of emergency is something that is happening and needs some immediate attention, why is the Council simply paying lip service to the unfolding climate emergency rather than taking decisive action to secure a future for us all?

The Chairman of the Strategic Planning and Infrastructure Committee responded to the question.

Question from Mr Ian McDonald to the Chairman of the Strategic Planning and Infrastructure Committee

Mr McDonald had given notice of his wish to ask a question of the Chairman of the Strategic Planning and Infrastructure Committee, but was not present at the meeting.

To listen to the answers to Mr Jeffery's questions, please follow this link:

<https://www.youtube.com/watch?v=gqf6wup46w4&t=846s>

Note: Councillor Forecast joined the meeting during the question and answer session for members of the public (6.45 p.m.).

88. QUESTIONS FROM MEMBERS OF THE COUNCIL TO THE CHAIRMEN OF COMMITTEES

Question from Councillor T Sams to the Chairman of the Strategic Planning and Infrastructure Committee

Given this Council's reliance on Garden Communities to form the central case for the Local Plan's success, could their removal by an independent inspector lead to the Borough Council's Local Plan being thrown out and this Council having to begin the process again?

The Chairman of the Strategic Planning and Infrastructure Committee responded to the question.

Due to issues with the acoustics in the Mote Hall, Councillor T Sams asked the Chairman of the Strategic Planning and Infrastructure Committee to confirm his response as follows:

Can I confirm from your answer that you agree that their acceptance is essential to the Plan's viability?

The Chairman of the Strategic Planning and Infrastructure Committee responded to the question.

Councillor T Sams did not wish to ask a supplementary question arising out of his original question or the reply.

Question from Councillor J Sams to the Chairman of the Strategic Planning and Infrastructure Committee

The Heathlands proposal in its present form, is seen by many to be unacceptable for inclusion within the consultation through its lack of substance, detail, and lack of infrastructural certainty on so many fronts. Do these matters give you any cause for concern?

The Chairman of the Strategic Planning and Infrastructure Committee responded to the question.

Councillor J Sams asked the following supplementary question of the Chairman of the Strategic Planning and Infrastructure Committee:

If you are found to be incorrect in your assumption, what will happen?

The Chairman of the Strategic Planning and Infrastructure Committee responded to the question.

To listen to the answers to these questions, please follow this link:

<https://www.youtube.com/watch?app=desktop&v=gqf6wup46w4&t=846s>

89. ORAL REPORT OF THE STRATEGIC PLANNING AND INFRASTRUCTURE COMMITTEE HELD ON 4 OCTOBER 2021 - MAIDSTONE LOCAL PLAN REVIEW - REGULATION 19 CONSULTATION, EVIDENCE DOCUMENTS AND SUSTAINABILITY APPRAISAL CONSULTATION

It was moved by the Mayor, seconded by Councillor Burton, and:

RESOLVED: That Council Procedure Rule 16.1 be suspended for this meeting only to enable the total time for public speakers to be extended from twelve to fifteen minutes to allow all five members of the public registered to speak to do so for a maximum of three minutes each. In addition to the fifteen minutes, the two Parish representatives will have a maximum of three minutes each in line with Council Procedure Rule 16.2.

The following members of the public addressed the Council:

Ms Kate Hammond – Save Our Heathlands
Mrs Sue Harwood – Against Lidsing Garden Development
Mrs Nichola Carr – Against Lidsing Garden Development
Mr Chris Hawkins
Ms Helen Baker – Against Lidsing Garden Development

The following Parish representatives addressed the Council:

Cllr Peter Coulling – Vice-Chairman, Maidstone KALC
Cllr Vanessa Jones – Chairman, Bredhurst Parish Council

During the speeches by members of the public, it was proposed by the Mayor and:

RESOLVED: That following complaints about sound quality, Council Procedure Rule 27.1 be suspended for this meeting only to enable Members to remain seated and closer to their microphones when speaking.

It was moved by Councillor Cooper, seconded by Councillor Burton, that the recommendations of the Strategic Planning and Infrastructure Committee of 4 October 2021 relating to the Maidstone Local Plan Review (circulated separately) be accepted in full.

The Mayor reminded the Council that any proposed amendments had to comply with Rule 20.6 (a) of the Council Procedure Rules and any under ii) - iv) of that Rule (leaving out, adding or inserting words) could not alter the draft Plan being recommended to Council for approval to the extent that it would have the effect of negating the motion.

Amendment moved by Councillor English, seconded by Councillor Harwood:

That this Council resolves to agree the recommendations of the Strategic Planning and Infrastructure Committee Meeting of 4 October subject to:

1. The deletion of LPRSP4 (Lidsing) and LPRSA312 (Beacon Park Coxheath).
2. The removal of LPRSP5 the Leeds/Langley safeguarding proposal.
3. Reduction of the numbers at LPRSA 5 (B) Invicta Park to 600-700 and the addition of 20 per cent affordable housing, and a 20 per cent biodiversity gain, with due deference paid to the historic and cultural legacy of the Park, along with a defined minimum area of parkland and semi-natural open space.
4. Removing the Country Park in LPRSA4 (A) and replacing it with a set area of woodland and wetland nature reserve and a 20 per cent biodiversity gain.
5. Reinserting the proposed Garden Village Settlement North of Marden, including the provision of a defined area of natural and semi-natural open space, a nature reserve and an overall gain of 20 per cent in biodiversity.
6. Undertaking further work to expand the evidence base for increasing tree coverage and improving watercourse quality within the Borough to mitigate the impact of climate change.

The Mayor sought clarification from the Interim Deputy Head of Legal Partnership and Monitoring Officer as to whether the proposed amendment complied with Council Procedure Rule 20.6 (a).

The Interim Deputy Head of Legal Partnership and Monitoring Officer said that Rule 20.6 (a) of the Council Procedure Rules at Part 3.1 of the Constitution gave the criteria for a valid amendment. Amongst those criteria were the insertion or addition of words, which she believed the amendment was. However, there was a proviso that that could be done as long as the effect was not to negate the motion. If the effect of the addition proposed was such that it would mean that the recommendation of the Strategic Planning and Infrastructure Committee to approve the Local Plan Review Draft for Submission document for consultation in its current format was significantly altered such that what was being put forward was a different Plan, then her advice was that the amendment would negate the motion and not meet Council Procedure Rule 20.6 (a).

The Interim Deputy Head of Legal Partnership and Monitoring Officer then deferred to the Interim Local Plan Review Director to advise as to whether the proposed amendment did amount to such a significant change to the draft Plan and to the Mayor to rule on that.

The Interim Local Plan Review Director advised the Council that the impact of the amendment on the evidence base and the Spatial Strategy within the Plan would be a fundamental change.

The Mayor informed the Council that having heard the advice from the Legal representative and from the Interim Local Plan Review Director, it was her ruling that the amendment was not valid.

The Interim Deputy Head of Legal Partnership and Monitoring Officer explained that Council Procedure Rule 9 (e) provided that the Mayor's ruling was final unless challenged by a Member who gained the support of two thirds of those Members present and voting.

Amendment moved by Councillor J Sams, seconded by Councillor T Sams:

That subject to the insertion of the word 'rural' in points 1 and 2 of Policy LPRSP9 within Appendix 1: Local Plan Review Regulation 19 'Draft for Submission' document, to read:

1. Development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the rural character and appearance of the rural area; and
2. Agricultural proposals will be supported which facilitate the efficient use of the borough's significant agricultural land and soil resource provided any adverse impacts on the rural appearance and rural character of the landscape can be appropriately mitigated

Full Council be recommended to **defer consideration of the following matters until the next scheduled full Council meeting currently due to be held on December 8th 2021:**

1. Approve the Maidstone Borough Local Plan Review Draft for Submission document (Appendix 1) and associated Policies Map (Appendix 2) for public consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) between the 29 October 2021 and 12 December 2021;
2. Approve the Maidstone Borough Local Plan Review Draft for Submission document (Appendix 1) and associated Policies Map (Appendix 2) for Submission under Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) to the Secretary of State for Housing, Communities and Local Government/Secretary of State for Levelling Up, Housing and Communities for examination under Section 20 of the Planning and Compulsory Purchase Act 2004.
3. Grant delegated powers to the Strategic Planning and Infrastructure Committee to submit a schedule of proposed main Modifications (which the Committee believe to be acceptable arising from the consultation responses) in respect of the Local Plan Review Draft for Submission document and associated Policies Map, arising from the representations made under Regulation 20 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) to the

Secretary of State for Housing, Communities and Local Government/Secretary of State for Levelling Up, Housing and Communities;

4. Provide delegated authority to the Head of Planning and Development to make factual alterations and minor amendments such as graphics, layout, spelling and grammatical changes to the Local Plan Review Draft for Submission Document and associated Policies Map;
5. Approve the Sustainability Appraisal of the Maidstone Local Plan Review: Regulation 19 Pre-Submission document (Appendix 3) for public consultation between the 29 October 2021 and 12 December 2021;
6. Note the list of documents within the evidence base provided as background documents to the report to the Strategic Planning and Infrastructure Committee and the Working Draft Statements of Common Ground (Exempt Appendix 4) that will support the Local Plan Review; and
7. Agree that a letter be written to the local Members of Parliament to request that they make every effort to engage in relation to the Council's housebuilding targets with Oliver Dowden and Michael Gove.

The Mayor sought clarification from the Interim Deputy Head of Legal Partnership and Monitoring Officer as to whether the proposed amendment was acceptable.

The Interim Deputy Head of Legal Partnership and Monitoring Officer advised the Council that the amendment was the addition of words which, in accordance with Council Procedure Rule 20.6 (a), must not negate the motion. Items 1 and 5 of the matters proposed to be deferred were date bound for consultation between 29 October 2021 and 12 December 2021. If a deferral were to take place until 8 December 2021, that would negate the motion.

The Mayor informed the Council that having heard the advice of the Interim Deputy Head of Legal Partnership and Monitoring Officer, it was her ruling that the amendment was not valid.

During the discussion, Councillor J Sams said that she had been asked by the Chairman of Lenham Parish Council to read out a statement on behalf of the Parish Council which was unable to be represented at the meeting. The Mayor said that she was not going to allow that as the debate was between Borough Council Members.

In accordance with Council Procedure Rule 23.4, five Members requested that a named vote be taken on the motion. The voting was as follows:

FOR (26)

Councillors Bartlett, Mrs Blackmore, Burton, Cannon, Cooke, Cooper, Cuming, Forecast, Fort, Garten, Mrs Gooch, Holmes, McKenna, Munford, Newton, Parfitt-Reid, Perry, Purle, D Rose, Round, Russell, Spooner, Springett, Trzebinski, S Webb and Young

AGAINST (23)

Councillors Brindle, Bryant, Clark, Coates, Daley, English, Fissenden, Mrs Grigg, Harper, Harwood, Hastie, Hinder, Mrs Joy, Khadka, Kimmance, McKay, Mortimer, Naghi, Mrs Roberson, J Sams, T Sams, R Webb and de Wiggondene-Sheppard

ABSTENTIONS (0)

MOTION CARRIED

RESOLVED: That subject to the insertion of the word 'rural' in points 1 and 2 of Policy LPRSP9 within Appendix 1: Local Plan Review Regulation 19 'Draft for Submission' document, to read:

1. Development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the rural character and appearance of the rural area; and
 2. Agricultural proposals will be supported which facilitate the efficient use of the borough's significant agricultural land and soil resource provided any adverse impacts on the rural appearance and rural character of the landscape can be appropriately mitigated,
1. The Maidstone Borough Local Plan Review Draft for Submission document (Appendix 1) and associated Policies Map (Appendix 2) be approved for public consultation under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) between the 29 October 2021 and 12 December 2021.
 2. The Maidstone Borough Local Plan Review Draft for Submission document (Appendix 1) and associated Policies Map (Appendix 2) be approved for Submission under Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) to the Secretary of State for Housing, Communities and Local Government/Secretary of State for Levelling Up, Housing and Communities for examination under Section 20 of the Planning and Compulsory Purchase Act 2004.
 3. Delegated powers be granted to the Strategic Planning and Infrastructure Committee to submit a schedule of proposed main Modifications (which the Committee believe to be acceptable arising from the consultation responses) in respect of the Local Plan Review Draft for Submission document and associated Policies Map, arising

from the representations made under Regulation 20 of the Town and Country (Local Planning) (England) Regulations 2012 (as amended) to the Secretary of State for Housing, Communities and Local Government/Secretary of State for Levelling Up, Housing and Communities.

4. Delegated authority be provided to the Head of Planning and Development to make factual alterations and minor amendments such as graphics, layout, spelling and grammatical changes to the Local Plan Review Draft for Submission Document and associated Policies Map.
5. The Sustainability Appraisal of the Maidstone Local Plan Review: Regulation 19 Pre-Submission document (Appendix 3) be approved for public consultation between the 29 October 2021 and 12 December 2021.
6. The list of documents within the evidence base provided as background documents to the report to the Strategic Planning and Infrastructure Committee and the Working Draft Statements of Common Ground (Exempt Appendix 4) that will support the Local Plan Review be noted.
7. A letter be written to the local Members of Parliament to request that they make every effort to engage in relation to the Council's housebuilding targets with Oliver Dowden and Michael Gove.

Note: During the speeches by members of the public, the meeting was adjourned for ten minutes from 7.05 p.m. to 7.15 p.m. due to a health and safety issue.

Councillor Mrs Ring left the meeting during consideration of this item (7.05 p.m.).

90. DURATION OF MEETING

6.30 p.m. to 9.06 p.m.