

MAIDSTONE BOROUGH COUNCIL

Strategic Planning, Sustainability and Transportation Committee

MINUTES OF THE MEETING HELD ON TUESDAY 6 OCTOBER 2015

Present: Councillor Burton (Chairman), and Councillors Chittenden, English, Mrs Gooch, D Mortimer, Paine, Springett, Mrs Stockell, de Wiggondene and Mrs Wilson

Also Present: Councillors Perry, Mrs Ring and Sargeant

107. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Mrs Grigg.

Councillor de Wiggondene sent apologies for lateness.

108. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:

- Councillor Chittenden for Councillor Grigg
- Councillor Stockell for Councillor de Wiggondene (who arrived at 18:47)

109. ELECTION OF VICE CHAIRMAN

RESOLVED: That Councillor Mrs Grigg is elected (uncontested) as the Vice Chairman for the remainder of the Municipal Year 2015/16.

110. NOTIFICATION OF VISITING MEMBERS

The following Visiting Members were in attendance reserving their right to speak:

- Councillor Perry
- Councillor Ring
- Councillor Sargeant

111. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

112. DISCLOSURES OF LOBBYING

It was noted that all Committee Members, with the exception of Councillor Chittenden, had been lobbied on item 18 – North Loose Neighbourhood Development Plan.

It was noted that Councillors Burton, Paine and Stockell had been lobbied on item 17 – Lease for the Park and Ride site, Sittingbourne Road, Maidstone.

It was also noted that all Councillors had been lobbied on Landscapes of Local Value and the Integrated Transport Strategy.

113. TO CONSIDER WHETHER ANY ITEMS SHOULD BE TAKEN IN PRIVATE BECAUSE OF THE POSSIBLE DISCLOSURE OF EXEMPT INFORMATION

RESOLVED: That the items on the agenda be taken in public as proposed.

The Chairman informed the Committee there was a possibility for Agenda item 17 – Lease for the Park and Ride Site, Sittingbourne Road, Maidstone, to move into Part II on the grounds it may involve the likely disclosure of exempt information, depending on how the discussions went.

114. MINUTES OF THE MEETING HELD ON 8 SEPTEMBER 2015

RESOLVED: That the Minutes of the meeting held on 8 September 2015 be approved as a correct record and signed subject to the following amendments:

- Minute 103, Decision 3 – addition of the record of voting as follows:
 - For – 9 Against – 0 Abstentions – 0
- Removal of the duplicate of Councillor Burton from the list of Councillors Present at the meeting.

115. PRESENTATION OF PETITIONS (IF ANY)

There were no petitions.

116. QUESTIONS AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

Mr Sean Carter, Chairman of the North Loose Neighbourhood Planning Forum, asked the following question of the Chairman regarding agenda item 18 – North Loose Neighbourhood Development Plan:

"The process to produce this plan started in May 2012, first of all to have an agreed Designated Neighbourhood Area and then to become a Neighbourhood Planning Forum. Therefore we have spent 3.5 years and literally thousands of volunteer hours putting this plan together."

We now have an officer's report with their opinions which no doubt Councillors will take note of.

Why is it that the people who actually compiled the Neighbourhood Plan have no involvement with this meeting and have no chance to answer questions from the Councillors?"

The Chairman responded as follows:

"The Neighbourhood Plan preparation process is controlled by the Neighbourhood Planning Regulations 2012 and includes two major consultation phases:

Regulation 14 requires the draft Neighbourhood Plan to be consulted on for at least six weeks and this is a process managed by the appropriate Parish Council or Neighbourhood Forum. Typically, the Borough Council assists this process with printing and notices, and informal comments from the Policy Team.

At this stage, changes can be made to the substantive content of the Neighbourhood Plan, and Borough Council officers frequently suggest changes and amendments with regard to what are appropriate planning matters, the process to be followed and other relevant issues.

At consultation phase, the Parish Council prepares the formal submission version of the Neighbourhood Plan in accordance with the 2012 Regulations, which is commonly known as "the Regulation 15 submission".

The Borough Council is then required, under Regulation 16, to undertake a six week statutory public consultation and is responsible for the management of that process. This is also the stage where the Borough Council makes its own representation on the Neighbourhood Plan which is taken to committee for Member approval for onward submission to the independent Examiner.

The Borough Council is acting, at this stage, as a consultee in the same way as any other institution or individual, and its response must follow the same guidelines as for the Examiner. That is, the Neighbourhood Plan is tested for its adherence to the basic conditions laid down by statute and supported by the National Planning Policy Framework (paragraph 065 of the Guidance).

Notwithstanding all previous involvement with the Neighbourhood Plan, the report to committee assesses whether, in the Borough Council's view, the Plan conforms with the Regulations. If Members approve the report, it passes to the Examiner without further amendment, together with all other representations made during the consultation. The Examiner then considers all the representations made, and the Plan itself, and produces a report suggesting amendments where she/he thinks fit and, if appropriate, recommending that the Plan proceeds to a referendum.

The committee report is effectively an objective assessment of whether the Neighbourhood Plan satisfies the basic conditions for a Neighbourhood Plan, as submitted. The Examiner's role is to assess the appropriateness of all representations made, including the Borough Council's, and no further amendment of the committee report is possible although any Members' discussion will form part of the submission of the representation to the Examiner."

The Chairman added:

"Under the new regime of governance we now operate under, quite simply, there is nothing provided for in the constitution that we have now adopted to allow members of the public to actually speak at committee meetings. Previously, under the other system, there were different stages of Overview and Scrutiny before decisions were made where there was some degree of flexibility, but currently the constitution does not have any statutory provision."

Mr Carter asked the following supplementary question:

"Just hearing what you are saying, where the public has no involvement, I just wonder where democracy comes into it"

The Chairman responded as follows:

"I think the process is clearly laid out and perhaps the democracy that we are now applying is the consequence of the democratic process to changes to the governance system we now operate within."

117. COMMITTEE WORK PROGRAMME FOR NOTING

RESOLVED: That the Committee's Work Programme, with the addition of the Maidstone Borough Local Plan timetable, be noted.

118. REFERENCE FROM HERITAGE, CULTURE AND LEISURE COMMITTEE - DESTINATION MANAGEMENT PLAN TASK AND FINISH GROUP NOMINATIONS

The Committee acknowledged the importance of the Destination Management Plan (DMP) as a major project for the Council and agreed it was important that the Committee engaged with the DMP Board.

The Committee was informed that the Task and Finish Groups were part of the DMP Board, which was external to the Council's Governance structure, and as such, not governed by the Council's Constitution.

The Committee agreed that, while there were Committee Members interested, it was difficult to nominate Committee Members to the Task and Finish Groups listed in the referral without knowing their terms of reference, frequency and timing of meetings and who other, external, members were.

RESOLVED: That the Committee formally request from the Heritage, Culture and Leisure Committee, additional details of the Destination Management Plan's Task and Finish Groups, to include the terms of reference for each Group, dates and times of meetings and information on other Task and Finish Group members.

Voting: For – 4 Against - 4 Abstention – 1

Councillor Stockell left during the debate and therefore received no vote on this item.

The Chair cast the deciding vote – the motion was carried.

Councillor English requested that his dissent was noted.

119. REFERENCE FROM POLICY AND RESOURCES COMMITTEE - LANDSCAPES OF LOCAL VALUE DECISION REFERRAL RESULT

Members considered the Reference from the Policy and Resources Committee regarding the Referral of the Decision on the Landscapes of local Value.

Members were informed the Committee that the decision of the Policy and Resources Committee to include part of the Low Weald (the area currently defined as a Special Landscape area in the Maidstone Borough-wide Local Plan 2000) as a Landscape of Local Value had been incorporated into the revised supporting text and policy criteria of draft policy SP5 of the Maidstone Borough Local Plan.

The Committee noted the revised text and policy criteria would form part of the Regulation 18 Consultation exercise that was taking place between 2 October 2015 and 5pm on 30 October 2015.

RESOLVED: That the Committee noted the referral outcome from Policy and Resources Committee.

120. REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT - IMPLICATIONS OF THE REFERENCE FROM POLICY & RESOURCES COMMITTEE 23 SEPTEMBER 2015: LANDSCAPES OF LOCAL VALUE

RESOLVED: That the Committee noted the report.

121. REPORT OF THE HEAD OF FINANCE AND RESOURCES - CORRECTION TO DECISION UNDER MINUTE 52 OF THE MEETING OF 23 JULY 2015

RESOLVED: That the Committee correct the published decision under Minute 52 of the Minutes from the meeting of this Committee on 23 July 2015 to read:

'The following sites, which have already obtained either Planning Permission or a Resolution to Grant by the Council's Planning

Committee, be approved for Public Consultation (according to the relevant stage of the consultation for each site):

H1(39) – Lane at Ulcombe Road, Headcorn (Regulation 19)
H1(61) – Land at Cross Keys, Roundwell, Bearsted (Regulation 19)
H1(65) – Land North of Lenham Road, Headcorn (Regulation 19)'

Voting: For – 8 Against – 0 Abstention – 1

122. VERBAL UPDATE ON THE PROGRESS OF THE ITS - ALL MODES OF TRANSPORT

The Committee was informed that the changes to policy DM15 (Park and Ride), deleting reference to the park and ride sites at Linton Crossroads and Old Sittingbourne Road, formed part of the ongoing Regulation 18 Consultation ending on 30 October 2015. The Committee agreed it was not possible to pre-empt the responses to the consultation so the draft Integrated Transport Policy would be presented to the Committee at their meeting of 1 December 2015.

RESOLVED: That the Committee noted the verbal update on the position of the draft Integrated Transport Policy.

123. REPORT OF THE DIRECTOR OF ENVIRONMENT AND SHARED SERVICES - LEASE FOR THE PARK AND RIDE SITE AT SITTINGBOURNE ROAD, MAIDSTONE

The Chairman reminded the Committee of the possibility of moving into Part II if the discussion on this item referred to potentially exempt information.

The Parking Services Manager outlined the process necessary to lead up to the closure of the Park and Ride site at Sittingbourne Road, Maidstone.

Members expressed their concern was raised that there was no clear idea of where the displaced vehicles, currently using the site, would go once it was closed.

The Committee noted that an extensive search for alternative sites around Junction 7 of the M20 had been carried out. Land values, which were high in this area, played a significant part in deciding the viability of continuing the service from this area.

Some Committee members voiced their disappointment at the closure of the site but recognised the emerging Integrated Transport Strategy would provide a process for improvements to bus services and other mitigating measures.

RESOLVED:

1. That a new short term lease of three months be agreed with Gallagher Properties Limited based on the current lease arrangements;

2. That Arriva Kent and Surrey are issued with a contract variation to amend the service provision from three sites to two from 8 February 2016.

Voting: For – 7 Against – 0 Abstentions – 2

124. REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT - NORTH LOOSE NEIGHBOURHOOD DEVELOPMENT PLAN

The Committee were informed of the process the North Loose Neighbourhood Development Plan (the Plan) had been through. The reasons behind the Council's formal representations to the Regulation 16 Consultation on the Plan were explained, and were a factual assessment of whether the Plan satisfied the requirements of local and national planning policy.

The Committee discussed the Council's responses and acknowledged the work the North Loose Neighbourhood Forum (NLNF) had put into the production of the document.

The Committee discussed the Plan's contribution to the Maidstone Borough Objectively Assessed Housing Need (OAHN). It was explained that the Plan would have Development Plan status once adopted and it would be expected to show site plans and the indicative yield for each site mentioned in the Plan to demonstrate a contribution to meeting the OAHN. The Committee noted these details could be included in the Plan before it went to the Examiner.

The Committee agreed that the Plan was in general conformity with the Maidstone Borough Local Plan, with the exception of the New Line Learning site and the low housing densities, which would need to be justified.

RESOLVED:

1. That the Committee approves the report as the basis for formal representations on the Regulation 16 North Loose Neighbourhood Development Plan (August 2015);
2. That the Committee agrees the Council's consultation responses to the Regulation 16 North Loose Neighbourhood Development Plan (August 2015) summarised below.

The North Loose Neighbourhood Development Plan (August 2015):

- a) Is in general conformity with the strategic policies of the adopted Maidstone Borough-Wide Local Plan 2000;

- b) Has been assessed, at this stage, to not require a Strategic Environmental Assessment or Habitats regulations assessment;
- c) Is not in line with national policy in respect that it fails to adequately indicate how it has contributed, and will contribute, to the emerging Maidstone Borough Local Plan's Objectively Assessed Housing Need since the beginning of the emerging Local Plan's period. It is suggested that the Forum specifies the boundaries and quantum of development anticipated for each site;
- d) Is not in line with national and local policy in relation to the Plan's references to low housing density standards across the Neighbourhood Plan area;
- e) Is not in conformity with the emerging Maidstone Borough Local Plan Regulation 18 Consultation Draft 2014 (MBLP 2014) in relation to the non-allocation of the New Line Learning draft housing allocation. Related to this, clarification is needed on the identification of open spaces as they relate to this site and countryside links;
- f) Should seek to ensure the Plan is 'future proofed' in relation to references to the Code of Sustainable Homes; and,
- g) Should include adequate justification and detailed costing where policies refer to the seeking of development contributions.

Voting: For – 9 Against – 0 Abstentions – 0

125. REPORT OF THE DIRECTOR OF ENVIRONMENT AND SHARED SERVICES - DISPOSAL OF LAND AT BRUNSWICK STREET, MAIDSTONE

The Parking Services Manager presented his report.

The Committee discussed concerns regarding the impact of the closure of the Sittingbourne Road Park and Ride site may have on parking availability in Maidstone town centre and the further impact of disposing of parking spaces on this site.

The Committee noted that 50% of the site was currently used on a regular basis and provision for this number of spaces could be provided for in the plans for the site once it was disposed of.

RESOLVED: That the Committee notes the requirement for fewer parking spaces in Brunswick Street and agrees to collaborate with the Communities, Housing and Environment Committee to consider a new housing development on the site of the existing car park and adjoining

land and to re-provide a new smaller car park to meet the existing car parking space needs in the area (target of 33 spaces).

Voting: For – 9 Against – 0 Abstentions – 0

126. DURATION OF MEETING

6:30pm to 8:35pm