

## **MAIDSTONE BOROUGH COUNCIL**

### **Strategic Planning and Infrastructure Committee**

#### **MINUTES OF THE MEETING HELD ON TUESDAY 9 MARCH 2021**

**Present:** Councillors D Burton (Chairman), Clark, English, Garten, Mrs Grigg, McKay, Munford, Parfitt-Reid and Spooner

**Also Present:** Councillors Brindle, Harper and Naghi

324. APOLOGIES FOR ABSENCE

There were no apologies for absence.

325. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

326. URGENT ITEMS

There was an urgent update through Item 20 – Exempt Appendix 1: Draft Statement of Common Ground between Maidstone Borough Council and Tunbridge Wells Borough Council. The appendix was not available at the time of agenda publication and was necessary to enable a decision on Item 18 - Statement of Common Ground between Maidstone Borough Council and Tunbridge Wells Borough Council.

327. NOTIFICATION OF VISITING MEMBERS

Councillors Harper and Naghi were present as Visiting Members for Item 15 – Reference from Council – Motion – Maidstone Cycle Campaign Forum.

Councillor Brindle was present as a Visiting Member for Item 16 – Response to the Government’s Consultation on Draft Revisions to the NPPF and a new draft National Model Design Code.

328. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor English stated that he was a Member of the Maidstone Cycle Campaign Forum, but that he was not a Member of the Group’s Committee.

329. DISCLOSURES OF LOBBYING

Councillors D Burton, Clark, Mrs Grigg, Munford and Parfitt-Reid had been lobbied on the following items:

- Item 14 - Practice & Procedure Protocol: Duty to Cooperate
- Item 16 – Response to the Government’s Consultation of Draft Revisions to the NPPF and a new draft National Model Design Code
- Item 17 - Local Plan Review Regulation 18 Preferred Approaches Public Consultation Response
- Item 18 - Statement of Common Ground between Maidstone Borough Council and Tunbridge Wells Borough Council
- Item 20 - Exempt Appendix 1: Draft Statement of Common Ground between Maidstone Borough Council and Tunbridge Wells Borough Council

Councillors English, McKay and Spooner had been lobbied on Item 14 - Practice & Procedure Protocol: Duty to Cooperate.

Councillor English had also been lobbied on Item 15 – Reference from Council – Motion – Maidstone Cycle Campaign Forum.

Councillors McKay and Spooner had been lobbied on Item 17 – Local Plan Review Regulation 18 Preferred Approaches Public Consultation Response

Councillor McKay had also been lobbied on Item 16 - Response to the Government’s Consultation of Draft Revisions to the NPPF and a new draft National Model Design Code and Item 18 - Statement of Common Ground between Maidstone Borough Council and Tunbridge Wells Borough Council.

330. EXEMPT ITEMS

**RESOLVED:** That all items be taken in public as proposed unless any Member of the committee indicated a wish to refer to Item 20 – Exempt Appendix 1: Draft Statement of Common Ground between Maidstone Borough Council and Tunbridge Wells Borough Council.

331. MINUTES OF THE MEETING HELD ON 9 FEBRUARY 2021

**RESOLVED:** That the Minutes of the meeting held on 9 February 2021 be approved as a correct record and signed at a later date.

332. PRESENTATION OF PETITIONS

There were no petitions.

333. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There was one question from a Member of the Public.

Question from Mr Peter Holmes to the Chairman of the Strategic Planning and Infrastructure Committee

The question was read out by the Democratic Services Officer on behalf of Mr Holmes.

*'I am deeply concerned about the lack of delivery of vital infrastructure associated with increasing housing numbers. This is particularly the case where I live in the North West of the Borough but also across the whole Borough. Can you tell me how much money has been collected under CIL?'*

The Chairman responded to the question.

Mr Holmes had pre-submitted a supplementary question, which was read out on his behalf by the Democratic Services Officer:

*'Given the concerns I have expressed, will the CIL rates for Maidstone be reviewed and increased?'*

The Chairman responded to the supplementary question.

The full responses were recorded on the webcast and made available to view on the Maidstone Borough Council website.

To access the webcast recording, please use the link below:

<https://www.youtube.com/watch?v=GnzhrqAzsxU>

#### 334. QUESTIONS FROM MEMBERS TO THE CHAIRMAN

There were two questions from Members to the Chairman.

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

*'The regulation 18 consultation responses shows 2/3 of residents are not in support of Garden Communities. Given this, and the number of garden communities, garden settlements and garden towns that are falling by the wayside for councils and their local plans up and down the country, are you still confident that the strategy this council is pursuing, in relation to Lidsing and Heathlands is a good strategy?'*

The Chairman responded to the question.

Councillor T Sams asked the following supplementary question:

*'In light of the response from Medway, which in the report has stated they objected to that proposal on transport, environmental and social infrastructure grounds, stating in their response that the site is unsuitable for many reasons and Highways England comments on the Heathlands new settlements, includes text alluding to the possibility of a new junction to the M20. Do you think the abbreviated report may possibly be hiding what appears to be, to many, a very troubled and tretchorous path ahead?'*

The Chairman responded to the supplementary question.

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

*'The report is for noting this evening. Item 17, the preferred approaches public consultation regulation 18 is very brief. Given the huge number of responses, which have just been published and the growing disquiet from residents, do you have any concerns in relation to the Garden communities at Lidsing and Heathlands?'*

The Chairman responded to the question.

Councillor J Sams asked the following supplementary question:

*'Do you think that even at this stage, Councillors should be questioning the document and its evidence base, given that we now have the responses in full and that the areas of concern should be open to discussion and scrutiny?'*

The Chairman responded to the supplementary question.

The full responses were recorded on the webcast and made available to view on the Maidstone Borough Council website.

To access the webcast recording, please use the link below:

<https://www.youtube.com/watch?v=GnzhrqAzsXU>

335. COMMITTEE WORK PROGRAMME

The Otham Neighbourhood Plan (Regulation 17A) would be presented to the Committee at its April 2021 meeting.

**RESOLVED:** That the Committee Work Programme be noted.

336. REPORTS OF OUTSIDE BODIES

There were no reports of Outside Bodies.

337. PRACTICE & PROCEDURE PROTOCOL: DUTY TO COOPERATE

The Senior Planner introduced the report and outlined the changes made to the Duty to Cooperate (DtC) processes, as requested by the Committee during its 12 January 2021 meeting following its consideration of the DtC Protocol.

The Senior Planner explained that officer to officer meetings would be the first stage in conversing with Neighbouring Authorities, with escalation to Senior Officers and the Chair and Vice-Chair of the Committee as required. The discussions would be framed by the emerging Statement of Common Ground (SoCG), which included the matters on which there had been agreement and disagreement. If another Local Authority wished to bring their Statement of Common Ground before the Council had

completed its own, then the same procedure in obtaining agreement from the Committee would be applied.

It was reiterated that any urgent changes required to the SoCG after it had been agreed by the Committee would occur in consultation with the Chair and Vice-Chair of the Committee. The Chair and Vice-Chair stated that if any significant issues had arisen, the Committee would be informed.

The Committee expressed support for the work undertaken by Officers.

**RESOLVED:** That

1. The framework for future duty to cooperate processes, as summarised in paragraph 2.16 of the report with further detail outlined on meeting levels in paragraphs 2.7 to 2.10 of the report; sign-off procedure for minutes as detailed in paragraphs 2.11 to 2.12 and the sign-off procedures for Statements of Common Ground as detailed in paragraphs 2.13 to 2.15 of the report, be agreed.

338. REFERENCE FROM COUNCIL - MOTION - MAIDSTONE CYCLE CAMPAIGN FORUM

Councillor Harper addressed the Committee as the mover of the motion at the Council meeting held on 24 February 2021.

In considering the motion, the Committee reiterated the Council's agreement to work with the Maidstone Campaign Cycle Forum (MCCF) and expressed support for the motion. It was felt that following a meeting with the Councils Officers, Chairs and Vice-Chairs of the Committees and representatives of the MCCF, a report should be presented to the Committee to outline the suggested working protocols.

**RESOLVED:** That the motion be agreed and that the continued work with the MCCF be endorsed, with a report to be presented to the Committee outlining the suggested working protocols arising from the meeting.

339. RESPONSE TO THE GOVERNMENT'S CONSULTATION ON DRAFT REVISIONS TO THE NPPF AND A NEW DRAFT NATIONAL MODEL DESIGN CODE

The Principal Planning Officer introduced the report and stated that the Government's consultation on Draft Revisions to the National Planning Policy Framework (NPPF) and new draft National Model Design Code would occur between 8 February 2021 and 27 March 2021.

The implications to development management were outlined to include a 10% requirement for all major developments that included housing to be for affordable housing, the incorporation of tree lined streets for development, increased flood risk tests, that ill-designed proposals could be rejected and that the scale and extent of development within national

parks and area of outstanding national beauty (AONB) were sensitive to the area and that historic statues and memorials were protected.

The considerations to plan making were that design codes for larger scale development should have a 30-year vision, an expansion of the tests of soundness, restrictions of the use of Article 4 directions and higher tests for its use and its application to smaller geographical areas, that neighbourhood plans could also allocate larger sites and be involved in the development of the local planning authority's (LPA) design policies.

The draft National Design Code aimed to support LPAs in formulating their own design codes to manage development in the local area.

In discussing the responses, the Committee expressed support for the responses as detailed in Appendix 1 to the report. The changes suggested included that reference should be made to the Council's effort to protect office space of value within the Town Centre against conversion to residential use, to seek a definition on what was meant by 'attractive' in regards to cycle routes and to include a comment on the importance of the setting of the AONB.

**RESOLVED:** That

1. The content of the national government consultation 'A consultation on draft revisions to the National Planning Policy Framework and a new draft National Model Design Code' be noted; and
2. The draft responses to the consultation as shown in Appendix 1 to the report be agreed for submission (as may be amended by the Head of Planning and Development following consideration of the Committee's comments by 19 March 2021 in consultation with the Chair and Vice-Chair of the Committee) to the Ministry of Housing, Communities and Local Government, before 11.45 p.m. on 27 March 2021.

340. LOCAL PLAN REVIEW REGULATION 18 PREFERRED APPROACHES PUBLIC CONSULTATION RESPONSE

Prior to the report's introduction Mr Steve Heeley, Save Our Heathlands Action Group, and Mr Chris Hawkins, DHA Planning addressed the Committee.

The Principal Planning Officer introduced the report and stated that the Regulation 18 Preferred Approaches Public Consultation Document and Sustainability Appraisal occurred from 1 December 2021 to 8 January 2021. The full responses were available to view on the Council's website.

Approximately 3,200 responses had been received, the majority of which were from the public within the Maidstone and neighbouring Borough's. A total of 2,300 responses were received in relation to the garden communities proposed in Lidsing and Heathlands, at 1,700 and 500 respectively.

The overall concerns within the responses received from infrastructure providers and statutory consultees related to highway network capacity, the impact of the proposed growth on the strategic road network of the M20 and M2, waste water capacity, gas network capacity of the sites within the vicinity of Marden, level crossing safety due to new development, the provision of GP surgeries, the impact on Kent Downs AONB and protected habitats. It was confirmed that the Council would continue to engage in discussion with the aforementioned bodies to resolve any concerns, with further evidence-based work to take place up until the Regulation 19 consultation.

The main concerns from neighbouring authorities included the impact on infrastructure, impact on protected landscapes and habitats, housing supply and cross-boundary impact of growth. The Council had engaged in discussions with its neighbouring authorities and was in the process of drafting Statements of Common Ground.

In response to questions, the Strategic Planning Manager reiterated that a significant level of Member engagement was undertaken prior to the Regulation 18 public consultation, with further Member engagement to occur leading up to Regulation 19.

It was confirmed that in moving forward towards Regulation 19, further consideration would be given to the overall scope and spatial strategy of the sites proposed.

**RESOLVED:** That the report be noted.

341. STATEMENT OF COMMON GROUND BETWEEN MAIDSTONE BOROUGH COUNCIL AND TUNBRIDGE WELLS BOROUGH COUNCIL

The Senior Planner introduced the report and noted that both the Council and Tunbridge Wells Borough Council (TWBC) had worked closely through the duty to cooperate (DtC) requirement. Following these discussions and the creation of cross-boundary documents, the Statement of Common Ground (SoCG), attached as Exempt Appendix 1 to the report, had been produced. The general contents of a SoCG were outlined.

The Senior Planner explained that as TWBC was approaching their Regulation 19 Consultation, the SoCG had to be approved before it commenced. Before the Council commenced its own Regulation 19 consultation, another SoCG between the two authorities would need to be agreed.

If the Committee requested any changes to the SoCG as shown in Exempt Appendix 1 to the report, these would also need to be agreed by Tunbridge Wells Borough Council.

The iterative process in drafting a SoCG was highlighted, with further DtC meetings to take place as the Council moved through the Local Plan Review process.

**RESOLVED:** That the Statement of Common Ground between Maidstone Borough Council and Tunbridge Wells Borough Council, as attached at Exempt Appendix 1 to the report, be agreed.

342. DURATION OF MEETING

6.30 p.m. to 7.45 p.m.