

MAIDSTONE BOROUGH COUNCIL

**Special Planning, Transport and Development Overview &
Scrutiny Committee**

**MINUTES OF THE MEETING HELD ON TUESDAY 17 SEPTEMBER
2013**

Present: Councillor Collins (Chairman), and
Councillors McLoughlin, Moriarty, Ross, Springett,
Vizzard, Watson, de Wiggondene and Mrs Wilson

Also Present: Councillors Mrs Gooch, Mortimer,
English, B Mortimer, Daley, Brindle,
Stockell, Burton, Newton and Ash.

22. THE COMMITTEE TO CONSIDER WHETHER ALL ITEMS ON THE AGENDA SHOULD BE WEB-CAST.

RESOLVED: That all items on the agenda be webcast.

23. APOLOGIES.

It was noted that apologies for absence were received from Councillors Chittenden and Munford.

24. NOTIFICATION OF SUBSTITUTE MEMBERS.

Councillors Vizzard and Moriarty substituted for Councillors Chittenden and Munford respectively.

25. NOTIFICATION OF VISITING MEMBERS/WITNESSES.

The following Members were noted as Visiting Members:

- Councillor Mrs Gooch;
- Councillor D Mortimer;
- Councillor English;
- Councillor B Mortimer;
- Councillor Daley;
- Councillor Brindle;
- Councillor Burton;
- Councillor Newton; and
- Councillor Ash.

Councillor Garland and Councillor Paine were present as witnesses.

26. DISCLOSURES BY MEMBERS AND OFFICERS.

There were no disclosures.

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

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

28. URGENT ITEMS

RESOLVED: That the Five Year Housing Land Supply: Methodology and Judgements be taken as an urgent item in order to support the Committee in its deliberations.

29. FIVE YEAR HOUSING LAND SUPPLY: METHODOLOGY AND JUDGEMENTS.

The Committee was instructed to meet following the extraordinary meeting of Council on 2 September 2013 to scrutinise the methodology and judgments needed to be made in calculating the five year housing land supply.

The Chairman invited witnesses from Boughton Monchelsea to give a presentation. The witnesses were: Councillor Sara Evans, Councillor Doug Evans and Mr Paul McCreery.

The presentation, attached in full at **Appendix A**, discussed paragraphs 47 and 48 of the National Planning Policy Framework (NPPF) in relation to windfall sites.

Mr McCreery asked the Committee to consider the following: if all windfall sites had to be identified what would be the purpose of paragraph 48 in the NPPF guidelines? Using an apple tree analogy, he told the Committee that sites would continue to fall or come forward as they had done in the past. He concluded that Boughton Monchelsea's evidence of past trends "that windfalls will likewise arise in the next 5-year period, at a rate again in excess of 300 each year (332 dpa or 1160 in total)" should be a recommendation of the Committee to Maidstone Borough Council for inclusion in its 5 year housing land supply.

The Chairman invited witnesses from Maidstone Borough Council to give a presentation. The witnesses were: Rob Jarman, Head of Planning and Development, Sue Whiteside, Spatial Policy, Team Leader, Councillor Garland, Leader of the Council and Councillor Paine, Cabinet Member for Planning, Transport and Development.

Maidstone Borough Council's presentation, attached in full at **Appendix B**, also referred to the NPPF Guidance in Paragraph 48. Mr Jarman told the Committee that the paragraph clearly stated that windfall sites 'may be taken into account'. The Officer observed that there had been reference to 'past trends' in terms of windfall sites but told the Committee that the emphasis of paragraph 48 was on determining 'future trends'. He described a 'step change' in the planning system and the requirement for a firm evidence base in planning decision making. Mr Jarman informed the Committee that he advocated a 'plan led system.'

Visiting Members and members of the public were given the opportunity to ask questions and make statements respectively at the Chairman's discretion.

Following this, questions from the Committee to the witnesses were taken. In response to Members questions to Mr Jarman on behalf of Maidstone Borough Council it was ascertained that:

- Following NPPF guidelines the Council had undertaken a SHLAA. The process cast a wide net across the borough and made the chance of unknown sites coming forward less likely;
- The SHLAA included partner and public sector organisations included the NHS, Kent Police and Kent County Council;
- The Council took an on objective and evidence based approach to planning to prevent it being left open to judicial review or appeals;
- The Council wanted to move away from the 'unexpected;'
- If windfall sites did come forward they would be included retrospectively (when planning permission had been granted);
- Windfall sites were included in Maidstone's local plan housing trajectory, in years 2015 to 2020; and
- For the same reasons that a windfall allowance was excluded in the methodology used for calculating the five year housing land supply, no discount was included for non-implementation of planning permissions (8.5%).

In response to Members questions, Mr McCreary, on behalf of Boughton Monchelsea Parish Council, informed the committee of the following:

- That by not including windfall sites in the five year housing land supply the Council were risking 'double counting;'
- Every year, since approximately 1976, there had been concern that a windfall supply would diminish; and
- There was an evidence base from 'past trends' to support the inclusion of windfall sites going forward. This information had been supplied by KCC.

A Member of the Committee moved a recommendation that the Committee should hold a second meeting to investigate the evidence base that it was felt was missing. This was the evidence of 'past trends' in windfall sites to support their inclusion in the five year housing land supply by Boughton Monchelsea Parish Council and evidence of 'future trends' as described by Maidstone Borough Council.

The Committee was unanimous in its decision that the Chairman and Vice-Chairman be given delegated authority to scope a second meeting and formulate a response to Full Council for its meeting the following day.

Reference was made to the Chairman and Vice-Chairman using the guidance of the Planning Authority Service (PAS) in relation to the five year housing land supply which had been circulated to the Committee in a

briefing note. Specific mention was given to the PAS guidance's 'next steps' which recommended the following:

"The methodology should: ensure that the NPPF requirements are followed; take into account appeal cases which refer to flaws in methodologies; and, if considered necessary, be tested by peers in other local authorities."

The Committee felt that other local authorities should be contacted to provide it with a comparable evidence base.

RESOLVED That:

- a) A second meeting be arranged to enable the Committee to consider further evidence in relation to evidence of 'past trends' in windfall sites to support their inclusion in the 5 year housing land supply as suggested by Boughton Monchelsea Parish Council and evidence of 'future trends' as described by Maidstone Borough Council; and
- b) Delegated authority be given to the Chairman and Vice-Chairman to scope a second meeting and formulate a response to Full Council for its meeting on 18th September 2013.

30. **Duration of Meeting**

6.30 p.m. to 9.40 p.m.