

## **MAIDSTONE BOROUGH COUNCIL**

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

#### **MINUTES OF THE MEETING HELD ON TUESDAY 16 SEPTEMBER 2014**

**Present:** Councillor Springett (Chairman), and  
Councillors Black, Chittenden, English, Munford,  
Powell, de Wiggondene and Willis

**Also Present:** Councillors Burton, Mrs Gooch and  
Newton

48. THE COMMITTEE TO CONSIDER WHETHER ALL ITEMS ON THE AGENDA SHOULD BE WEBCAST

**RESOLVED:** that all items on the agenda be webcast.

49. APOLOGIES

It was noted that apologies had been received from Councillors Ross and Round.

It was also noted Councillors de Wiggondene and Willis were running late.

50. NOTIFICATION OF SUBSTITUTE MEMBERS

The following substitute member was noted:

Councillor Black for Councillor Round.

51. NOTIFICATION OF VISITING MEMBERS

Councillor Burton, Cabinet Member for Planning, Transport and Development was in attendance to present item 8 of the agenda – Cabinet Member Priority for 2014-2015.

Councillor Newton was in attendance to make representation on item 9 of the agenda – Engaging Communities in Maidstone’s Local Plan – Design South East Report on the Local Plan consultation events.

Councillor Gooch was in attendance reserving her right to make representations.

52. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

53. 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.

54. MINUTES OF THE MEETING HELD ON 19 AUGUST 2014

**RESOLVED:** that the minutes of the meeting held on 19 August 2014 be approved as a correct record and signed by the Chair.

55. CABINET MEMBER PRIORITIES FOR 2014-2015

Councillor Burton and Rob Jarman, Head of Planning and Development were in attendance for this item.

Councillor Burton explained his overriding priority for the Municipal year 2014-15 was to maintain or improve the published timetable for the Local Plan in order to limit on-going costs and uncertainty for the residents of the borough.

Councillor Burton went on to explain the National Planning Policy Framework expected the council to aim to provide the objectively assessed housing numbers of 18,600, over the period of the Local Plan. The only way to reduce this number was to demonstrate the borough was unable to provide the land and infrastructure to support this amount of housing.

Mr Jarman, Head of Planning and Development, confirmed Jacobs had been commissioned to carry out landscape quality work and updated agricultural landscape classifications. Their report would be completed by 31 October 2014.

Mr Jarman continued, a Principal Planning Officer and a Planning Officer would be in post in the next two weeks. Also, two transport engineer consultants had been commissioned to work with Kent County Council (KCC) Highways to carry out traffic modelling work.

Mr Jarman also informed the committee negotiations were underway to commission consultants to do master plan work in conjunction with KCC. First looking at Junction 8 of the M20 motorway, then Junction 7 then Lenham. Time would be taken to scope the work in detail and negotiate terms.

Mr Jarman explained it was important to protect agricultural land but this needed to be balanced with attempting to meet the objectively assessed housing need.

Mr Jarman assured the committee the planning department were able to manage resources to ensure a good land character assessment would be obtained and the process would be as collaborative as possible. An officer had been tasked with monitoring the work of the consultants to ensure it would be of a high standard.

Councillor Burton confirmed the councils' commitment to engage with Parish Councils in the Neighbourhood Plan process and welcomed more engagement with parishes. Councillor Burton notified the committee a single officer point of access had been provided for parish councils in order to facilitate this.

Councillor Burton emphasised the councils' commitment to find a way of providing the necessary resources to deliver the Local Plan.

Mr Jarman confirmed an update on the work to identify a housing target figure had been included in the committee's Future Work Programme and would be presented to the committee at their meeting of 18 November 2014.

**RESOLVED:** that the Cabinet Member's Priority be noted.

56. ENGAGING COMMUNITIES IN MAIDSTONE'S LOCAL PLAN - DESIGN SOUTH EAST REPORT ON THE LOCAL PLAN CONSULTATION EVENTS

Sue Whiteside, Team Leader, Spatial Policy presented her report.

Mrs Whiteside explained the work of Design South East (DSE), an independent not-for-profit organisation, during the Maidstone Local Plan consultation (period 21 March to 7 May 2014) carried out under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

DSE was commissioned to engage with the ten parish councils designated as either rural service centres or larger villages in the draft Local Plan. The aim was to establish how much understanding these parish councils had of the local plan process and ensure they felt their views had been listened to constructively.

DSE facilitated workshops focused on identifying:

- A consensual vision for the place;
- The physical characteristics of each area, and;
- A clear and constructive expression of the community's expectations for the quality of any new development.

DSE found, broadly, the parish councils fell into three groups:

- Those with a good understanding of the local plan process and had produced a draft neighbourhood plan, but needed to understand the relationship between local plans and neighbourhood plans, the policy 'hooks' that connected them;
- Those whose main issues were site based, and;
- Those who had questions relating to infrastructure, communication or the local plan process.

Full details of the results on the consultation were included in the interim report attached to the agenda. A full report would be available after the multi stakeholder event of 17 September 2014.

Mrs Whiteside outlined the four recommendations made by DSE and explained the work already carried out. The four recommendations were:

- An inclusive, coherent communications strategy;
- A strategy that ensured parish councils have an active part in the decision making process;
- Setting a clear vision for each of the rural service centres and larger villages, and;
- Sharing of knowledge among parish councils.

During lengthy discussion the committee made the following points:

- No acknowledgement had been made in the report that where a Neighbourhood Plan was emerging it should inform the Local Plan. Mrs Whiteside agreed it was a two way process and this was being addressed as the Local Plan moved forward with discussions with parish councils working on their Neighbourhood Plan.
- The committee agreed parish councils should receive feedback regarding the changes made to the local plan as a result of their input as well as when changes are not made and the reasons why.
- It was explained that the multi-stakeholder meeting held on 17 September in Staplehurst provided an opportunity for parish councils and residents throughout the borough to discuss their concerns regarding infrastructure with the providers, i.e. Southern Water, KCC Highways, education.
- Mrs Whiteside confirmed the term 'active involvement' (paragraph 1.3.19 of report for agenda item 9) will be defined in the action plan that would follow after the multi-stakeholder meeting of 17 September 2014. Mrs Whiteside went on to explain there would be on-going engagement with parish councils during the development of the local plan. Parishes would be involved in site selection during the meetings held in September and October 2014.
- Some members felt the cost of commissioning DSE to carry out the consultation work with parishes was not good use of funds and felt the work could have been carried out by officers of the council.
- Questions were raised as to why other parishes were not engaged with by DSE. It was explained the consultation work carried out by DSE was focussed on parishes designated as rural service centres and larger villages. Further meetings with all parish councils, urban areas and areas not covered by residents associations or parish councils were planned for September, October and November 2014. All members were invited and encouraged to attend these meetings.

**RESOLVED:** that the

1. Cabinet Member for Community and Leisure Services be recommended to involve the Kent Association of Local Councils and Area Committee Officers in the preparatory work for the review of the Parish Charter, before consulting fully with all parish councils, to ensure a process of two way communication in the development of Neighbourhood Plans and the Local Plan is included.
2. Head of Planning and Development be recommended to circulate to all Councillors a list of details for the meetings to be held with all parish councils, urban areas and areas not covered by residents associations or parish councils planned for September, October and November 2014.

57. COMMUNITY INFRASTRUCTURE LEVY - KEY ISSUES ARISING FROM CONSULTATION (REGULATION 15)

Darren Bridgett, Principal Planning Officer, Spatial Policy and Rob Jarman, Head of Planning and Development were in attendance for this item.

Darren Bridgett presented the report and outlined the main points.

The report focused on the key elements of the comments raised during the public consultation exercise for the Community Infrastructure Levy (CIL) which ran from 21 March to 7 May 2014.

During the consultation 34 comments from individuals and organisations were received concerning a wide range of issues. These comments would be considered and used to shape the emerging CIL.

Mr Bridgett went on to explain the issues raised through the consultation.

During discussions the following points were explored:

- Concern was raised as to whether 34 comments was sufficient to amend the CIL policies. Mr Bridgett explained the CIL was a very technical document and the consultation of it ran alongside the consultation for the Maidstone Borough Local Plan. Events were held to explain the CIL and the Infrastructure Delivery Plan to get people interested. Mr Bridgett said it would have been preferable to have received more comments but there was no guidance on the minimum responses that should be received. Mr Bridgett went on to explain all the concerns raised were legitimate and he would have no concerns making amendments to the CIL using them.
- Mr Bridgett explained the CIL values did not have a sliding scale over the period of time it covered. The assumptions were considered to be conservative. The figures are set and would be subject to a monitoring process of annual reviews. If the funds raised were considered insufficient, a full review of the CIL would be

launched, which would mean compiling a whole new set of viability evidence.

- Mr Bridgett pointed out that the CIL was usually reviewed before the end of the local plan period but the council would be expected to have an up to date CIL for the emerging local plan.
- Mr Bridgett and Mr Jarman explained retail outlets were required to pay the CIL (which is an on-going payment) as they generated on-going profitability and are not unfairly penalised. Warehouse developments would not generate on-going profitability in the way retail would but could still be subject to Section 106 agreements.
- Mr Bridgett commented that the balance between desirability of funding infrastructure from the levy and the potential effects of the levy on the economic viability of developments across the borough would be tested at examination.
- The committee discussed the point raised in paragraph 1.3.16 regarding 'the increased CIL income could be used to cross subsidise affordable accommodation in the Maidstone urban area where it is suggested the accommodation is needed more'. There was some concern if this was taken forward. Mr Bridgett reported that more than one parish had raised this. It was suggested parish councils should carry out their own housing market assessments of the demand for affordable housing and types in their parish and include in their Neighbourhood Plans. This could help justify a lower affordable housing figure than the 40% in rural areas detailed in the local plan.
- Mr Bridgett emphasised the CIL regulations include a duty for the council to pass on the CIL to parish councils using set formulae.
- Mr Jarman explained the CIL and Section 106 agreements could work together to raised funds for different types of infrastructure provision.
- Mr Bridgett explained the projected figure that would be raised through Section 106 agreements was estimated at £32-42m with an estimated requirement of £75m for future infrastructure.
- Mr Bridgett further explained that Section 106 agreements were the exclusive way of raising funds for Affordable Housing and that section 106 obligations had three tests to ensure contributions were legal.
- Mr Bridgett went on to explain the CIL could be a more efficient way of taking development contributions. This was because once the CIL was adopted there was no negotiation of the rates; it was a more efficient way of collection, and; the receipts could be used more flexibly. It was unclear if the CIL would raise more funds than

Section 106 agreements in totality, however, Mr Jarman confirmed the difficulty of agreeing section 106 obligations.

- Mr Jarman confirmed that Section 106 agreements could be used to enforce provision for water infrastructure and could be made an enforceable condition.
- Mr Bridgett confirmed the draft charging schedule publication was due to go out to consultation with proposed amendments during summer 2015. It would be consulted on alongside the Regulation 19 consultation of the Maidstone Borough Local Plan and would come back to the Planning, Transport and Development Overview and Scrutiny Committee with figures compared with other local authorities.

**RESOLVED:** that

1. The Head of Planning and Development be recommended to ensure representatives from parish councils and Area Committee Officers are involved in the design of the process for administering the distribution of the Community Infrastructure Levy (CIL), before consulting fully with all parish councils, before the Local Plan is adopted, so parish councils are assured Maidstone Borough Council fulfils its' duty to pass the appropriate level of CIL receipts to local councils.

58. UPDATE ON THE INFRASTRUCTURE DELIVERY PLAN

Darren Bridgett, Principal Planning Officer, Spatial Policy gave the committee a verbal update of progress with the Infrastructure Delivery Plan (IDP).

Mr Bridgett explained a list of infrastructure requirements was being developed to support new developments in the local plan in consultation with infrastructure providers, one of which would be Maidstone Borough Council for the provision of public realm schemes.

Mr Bridgett went on to explain the plan provided details of the infrastructure in terms of what was needed, where it was needed, who would provide it, how they would provide it, when they would provide it and the cost. The IDP linked closely with the Community Infrastructure Levy.

Mr Bridgett informed the committee Maidstone Borough Council needed to demonstrate deliverability. Prioritisation of the requirements would be carried out at a later date once the IDP had been further developed.

Mr Bridgett notified the committee the infrastructure included would not all need to be 100% developer funded.

Mr Bridgett commented that officers were in consultation with infrastructure providers regarding what was needed and a verbal report would be presented to the committee at their meeting in January 2014.

Concerns were raised regarding the relationship between KCC and MBC and the point was made that their cooperation was crucial to the success of the infrastructure requirements to support developments.

Mr Bridgett confirmed officer relations were good and there was an on-going dialogue between them. Some of the measures put forward by the Joint Transport Board (JTB) had been agreed in the IDP as some still needed to be assessed. KCCs transport modelling was on-going and would identify where they may be issues.

Mr Jarman notified the committee that MBC planning officers and the two newly appointed transport officers would be present at the JTB agenda setting meeting on 24 September 2014.

Mr Jarman confirmed the recommendations from JTB would be presented to the Planning, Transport and Development Overview and Scrutiny Committee as part of the joint Integrated Transport Strategy which was part of the Local Plan process and already in the committee's future Work programme for 16 December 2014.

**RESOLVED:** that the verbal update on the Infrastructure Delivery Plan be noted.

#### 59. FUTURE WORK PROGRAMME AND SCRAIP UPDATE

Councillor Springett gave the committee an update on the Future Work Programme and the progress with the review of Transport in Maidstone – alternatives to using the car.

Councillor Springett informed the committee of the meeting held 16 September 2014 with KCC transport planners regarding the review of Bus Services. The meeting was very productive and positive.

The committee discussed the possibility of having a member of the Planning, Transport and Development Overview and Scrutiny Committee as a member of the Quality Bus Partnership (QBP). The committee agreed Councillor Munford be nominated as the representative of the Planning, Transport and Development Overview and Scrutiny Committee should an invitation be confirmed for a representative from this committee to join QBP.

The committee agreed those members interested should attend the Affordable Housing training being delivered on 20 October 2014 with the Head of Housing and Community Services. In the meantime the Head of Housing and Community Services be asked to email to members of the committee an overview of the different categories and classifications of affordable housing and eligibility criteria for each. The committee will

then decide if further information is required to help them better understand how affordable housing needs are assessed.

**RESOLVED:** That

1. Councillor Munford be nominated as the representative of the Planning, Transport and Development Overview and Scrutiny Committee should an invitation be confirmed for a representative from this committee to join the Quality Bus Partnership.
2. The Head of Housing and Community Services be asked to email to members of the committee an overview of the different categories and classifications of affordable housing and eligibility criteria for each.

60. DURATION OF MEETING

6:30pm to 9:17pm