

AGENDA

SPECIAL PLANNING, TRANSPORT AND DEVELOPMENT OVERVIEW & SCRUTINY COMMITTEE MEETING



Overview and Scrutiny

Date: Monday 3 November 2014
Time: 6.30 pm
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors: Chittenden, English (Vice-Chairman), Munford,
Powell, Ross, Round, Springett (Chairman),
de Wiggondene and Willis

Page No.

1. **The Committee to consider whether all items on the agenda should be webcast**
2. **Apologies**
3. **Notification of Substitute Members**
4. **Notification of Visiting Members**
5. **Disclosures by Members and Officers**
6. **To consider whether any items should be taken in private because of the possible disclosure of exempt information**
7. **Minutes of the Meeting held on 30 September 2014** 1 - 9
8. **Update on Scrutiny Committee Recommendation Action Implementation Plan reference CEH.140715.20b regarding Parish Liaison** 10 - 15

The Cabinet Member for Community and Leisure Services to provide an update following his initial response to the SCRAIP (reference number CEH.140715.20b) issued by the Community, Environment and Housing Overview and Scrutiny Committee at their meeting of 15 July 2014.

Continued Over/:

Issued on 21 October 2014

Alison Broom

**Alison Broom, Chief Executive, Maidstone Borough Council,
Maidstone House, King Street, Maidstone Kent ME15 6JQ**

9. Neighbourhood Planning Update

16 - 28

An update from Sarah Anderton, Principal Planning Officer, Spatial Planning on the progress being made with Neighbourhood Plans in the borough and the measures being put in place to improve the support being given to parish councils and neighbourhood plan groups by the Council.

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact Tessa Mallett on 01622 602524**. To find out more about the work of the Overview and Scrutiny Committees, please visit <http://www.maidstone.gov.uk/osc>

MAIDSTONE BOROUGH COUNCIL

Planning, Transport and Development Overview & Scrutiny Committee

MINUTES OF THE MEETING HELD ON TUESDAY 30 SEPTEMBER 2014

Present: Councillor Springett (Chairman), and
Councillors Chittenden, English, Hogg, Munford,
Powell, Ross and Willis

Also Present: Councillors Ash, Burton and Perry

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

RESOLVED: That all items on the agenda be webcast.

62. APOLOGIES

It was noted that apologies for absence had been received from Councillor Round.

63. NOTIFICATION OF SUBSTITUTE MEMBERS

The following substitute member was noted:

Councillor Hogg for Councillor Round.

64. NOTIFICATION OF VISITING MEMBERS

Councillors Ash and Perry were in attendance to make representations on item 9 of the agenda.

Councillor Burton, Cabinet Member for Planning, Transport and Development was in attendance for items 8, 9 and 10 of the agenda.

65. DISCLOSURES BY MEMBERS AND OFFICERS

During discussion under agenda item 9, Review of Transport in Maidstone – alternatives to using a car – Bus Services, Councillor Chittenden, by virtue of being a member of the Quality Bus Partnership, disclosed an Other Significant Interest. Having disclosed the interest Councillor Chittenden left the meeting room until conclusion of the item.

66. 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.

67. MINUTES OF THE MEETING HELD ON 16 SEPTEMBER 2014

The Committee highlighted an amendment to the minutes, under minute 55, Cabinet Member Priorities for 2014-2015. It was agreed that the following wording should be included:

"That the Head of Planning and Development provide the Planning, Transport and Development Overview and Scrutiny Committee with a full verbal update on the position with Planning Officer staffing. Also the progress being made towards providing the evidence needed to reduce the housing target figure to a lower figure than the objectively assessed housing need of 18,600."

RESOLVED: That, subject to the amendment highlighted, the minutes of the meeting held on 16 September 2014 be agreed as a correct record and signed by the Chairman.

68. AMENDMENT TO THE ORDER OF BUSINESS

RESOLVED: That item 9, Review of Transport in Maidstone – alternatives to using a car – bus services, be taken before item 8, Green and Blue Infrastructure Strategy Update Report.

69. REVIEW OF TRANSPORT IN MAIDSTONE - ALTERNATIVES TO USING A CAR - BUS SERVICES

The Chairman welcomed Mathew Arnold, Commercial Director, Arriva Buses; Norman Kemp, Nu Venture Coaches Ltd; Mike Fitzgerald, Chair East of Maidstone Bus Group; and Cllr Peter Spearink, Staplehurst Parish Council, and Vice-Chair of Hawkhurst Local Transport Accessibility Group; to the meeting.

During the discussion Councillor Chittenden, by virtue of being a member of the Quality Bus Partnership, disclosed an Other Significant Interest. Having disclosed the interest Councillor Chittenden left the meeting room until conclusion of the item.

The Chairman explained the Review of Transport in Maidstone had been set up in response to concerns about congestion in the borough. It was noted that the review had previously looked at cycling and walking while rail services would be considered in November 2014. As a result, the focus of the committee meeting would be bus services.

Mike Fitzgerald, Chair East of Maidstone Bus Group, informed the committee that the East of Maidstone Bus Group existed to consider and address issues raised by both members and operators to help improve and safeguard services across East Maidstone.

During discussion a number of issues were raised, including:

- Supported Routes and Commercial Routes. Mr Fitzgerald suggested that it would be helpful for the review to identify the number of commercial routes and the number of supported routes across the borough. In addition, it was suggested that areas/routes without evening/Sunday services should be mapped.
- Journey times and their impact on people deciding to travel by bus (or not). It was suggested that new routes should be considered side by side with the Local Plan.
- Community Bus Services. Mr Fitzgerald suggested that it would be unrealistic for local authorities to expect voluntary/community projects to compensate for decreased bus services.
- 106 agreements. It was agreed that where possible 106 agreements should be used to support new/revised routes especially those supporting the Rural Service Centres.
- It was agreed that consideration should be given to putting cycle shelters at key locations (bus connecting points) across the borough so people could leave bikes locked in the same way as at railway stations. In addition, it was suggested buses themselves should have facilities for carrying bicycles.
- Total Transport. It was noted that the Department of Transport had been doing work to support the integration of all services commissioned by central and local government and provided by different operators. Mr Fitzgerald suggested that Maidstone/Kent could be used by Government as a pilot for Total Transport.

In addition, issues in relation to the Quality Bus Partnership, the Punctuality and Improvement Partnership, the No59 bus route, Bus Shelters, Safe Journey and Better Journey Cards and Concession Passes (Start Times) were raised by Mr Fitzgerald. It was agreed that these issues should be considered in more detail by the Review Working Group outside of the meeting.

CLlr Peter Spearink, Staplehurst Parish Council and Vice-Chair of Hawkhurst Local Transport Accessibility Group, informed the committee that the group represented a very rural area, an area that relied on bus services due to limited rail services.

During discussion a number of issues were raised, including:

- The performance/reliability of the No5 bus route.
- The provision of school bus services. It was noted that many parents would not risk their children going to/from school via bus due to reliability/capacity issues. It was noted that better, more timely, information from Kent County Council, in relation to the issuing of bus passes for young people and those in school, college or training, would help bus operators to plan more effectively,

especially at the start of the academic year when passes were (re) issued.

- Apps for mobile phones in relation to providing real time information and the location of buses. Mathew Arnold, Commercial Director, Arriva Buses noted that the recently launched Arriva App had been a significant development but concerns were raised that many older bus users did not have smart phones/tablets. It was noted that Arriva would be happy to supply real time information to anyone willing to display it. In view of this, it was agreed that the Cabinet Member for Planning, Transport and Development should be asked to provide the Review Working Group with further information about the re-tendering exercise for the provision and maintenance of bus shelters, and the selling of advertising at bus shelters, to enable consideration of how information about buses, including real time information and contact numbers for buses, could be displayed at bus shelters across the borough.

During the discussion the committee made reference to the report of the Overview and Scrutiny Officer which provided further information on the work of the review working group. It was noted the group had received feedback on bus services from borough and parish councillors and had met with Shane Hymers, Public Transport and Strategy Manager, Kent County Council, and Dan Bruce, Local Transport Planner (Mid Kent), Kent County Council. It was noted that these discussions had raised a number of issues and would be considered in more detail by the review working group outside of the meeting.

Key issues raised by Mathew Arnold, Commercial Director, Arriva Buses, and Norman Kemp, Nu Venture Coaches Ltd, related to bus reliability, punctuality and sustainability. The importance of having availability to the road network was noted in order for bus operators to deliver their services. The following points were raised:

- The impact of road closures on bus services, especially when timely information, about closures, was not received from Kent Highways.
- The fact that bus operators had limited opportunities to speak to local decision makers to discuss and resolve issues such as parking enforcement issues on bus routes and at bus stops. It was noted that, unlike Arriva, Nu Venture were not members of the Quality Bus Partnership. Norman Kemp informed the committee that he would welcome the opportunity for Nu Venture to attend such meetings.
- The impact of cuts to the bus service operators' grant (BSOG) and evidence from a House of Commons Select Committee that had raised concerns about supported services and the ability for local authorities to respond to transport isolation.
- The ability for residents living in rural areas, such as Boughton Monchelsea, to use bus services to access the night time economy

during the week or the town on a Sunday. Mathew Arnold agreed that it would be useful for bus operators to work together with local residents and their elected representatives to look at options in relation to twilight and Sunday services. It was agreed that funding streams, including European Funding, should be looked at closely to see whether such money could be used to support bus operators provide additional services in Maidstone, especially in the rural service centres.

Other issues discussed included looking at ways to ensure ideas for enhancements to services were communicated and dealt with effectively. For example:

- Regular integrated bus links from rural villages to train stations in Maidstone.
- Introducing a radial bus service for Maidstone.
- Routes convenient for local shops and doctors.
- Interchangeable tickets and ways to reduce costs for users
- Ways to provide money for infrastructure.

In summary, the Chairman noted that the review working group would continue to meet outside of the meeting and that a draft report would be presented to committee on 18 November 2014.

RESOLVED: That:

1. The evidence submitted to Committee, on 30 September 2014, be used by the Review of Transport in Maidstone Working Group to develop draft recommendations for consideration by Committee on 18 November 2014 as part of the draft report for stages one (Walking and Cycling) and two (Buses) of the review.
2. The Cabinet Member for Planning, Transport and Development be asked to provide the Review Working Group with further information about the re-tendering exercise for the provision and maintenance of bus shelters, and the selling of advertising at bus shelters, to enable consideration of how information about buses, including real time information and contact numbers for buses, could be displayed at bus shelters across the borough.
3. The membership of the Review of Transport in Maidstone Working Group be updated to include Cllr Willis.

70. GREEN AND BLUE INFRASTRUCTURE STRATEGY UPDATE REPORT

Councillor Chittenden returned to the meeting for consideration of this item.

Rob Jarman, Head of Planning and Development, explained the Green and Blue Infrastructure (GBI) Strategy was a corporate strategy that covered the borough's open spaces and water bodies. The committee noted that the strategy had been prepared for a number of reasons:

- To bring increased certainty about the importance of this part of the borough's environment.
- To maximise the number of overlapping benefits of green and blue infrastructure by looking holistically at each area.
- To act as a basis for attracting resources including grant funding and the Community Infrastructure Levy (CIL).
- To form the basis for GBI delivery.

The committee was informed that a number of issues had been raised during a stakeholder engagement exercise, held during December 2013 – January 2014. Mr Jarman advised the committee that while the preparation of the Green and Blue Infrastructure was in itself supported, some concerns had been raised in relation to both process and content.

The committee was informed of developments in relation to an open space audit. The committee noted that this provided a key piece of evidence to underpin the GBI Strategy. Mr Jarman advised the committee that the audit allowed open spaces to be assessed by quantity, quality and accessibility.

It was noted that the last time a comprehensive audit had been conducted was in 2004. It was explained that the methodology for the 2014 audit had been amended to more accurately reflect the desired outcomes of local plan policy. Changes to the methodology included:

- The open space must be publicly accessible.
- The open space types must be quantifiable.
- The recording of open space types should accurately reflect fine grain differences within a given open space site.
- The open space type must be something that is appropriately delivered through/in connection to local plan policy.

Mr Jarman informed the committee that the Parks and Open Spaces team had completed the quantitative element of the open space audit in May 2014. This element of the audit had involved re-categorising open space sites subject to the revised methodology.

In terms of the qualitative element of the audit Mr Jarman explained the council had commissioned consultants to undertake this work, with initial results expected at the end of October 2014. It was noted that the

accessibility element of the audit, a desktop exercise, would be completed in house in line with the qualitative audit.

Mr Jarman concluded his presentation by explaining that both stakeholder comments and the results of the open space audit would be used to amend the GBI strategy and to develop an action plan for implementation.

During discussions the following points were explored:

- Previous national guidance notes in relation to Planning for Open Space, Sport and Recreation, including PPG17 published in 2002, and the impact of the National Planning Policy Framework in relation to the assessment of open spaces.
- The links between GBI delivery and policies in the Maidstone Borough Local Plan and supplementary planning documents.
- The Maidstone Landscape Character – a document used to identify landscape types and landscape character areas in the rural parts of the borough.
- The methodology used in the open space audit including the reasoning behind the 2014 methodology in relation to parks and gardens, green corridors, and cemeteries and graveyards.
- The use of accessibility information in relation to the open space audit including how this had been used in relation to concerns about biodiversity.
- The importance of corporate policy aligning to open space planning policy. For example, the provision of cemeteries and graveyards and the treatment of closed cemeteries.
- Ways to preserve wildlife population viability.

In terms of green corridors Mr Jarman explained that it would be difficult to deliver a green corridor through local plan policy intervention. The committee was informed that for the purposes of the audit and on-going strategy, green corridors were more accurately assessed as their component types. For example, natural and semi-natural green space or amenity green space. It was noted that these areas could still be identified on a strategic scale within the GBI strategy.

RESOLVED: That

1. The Green and Blue Infrastructure Strategy Update Report be noted.
2. The Cabinet Member for Planning, Transport and Development be recommended, through emerging local plan policies and the Green and Blue Infrastructure Strategy, to acknowledge the importance of migratory transport corridors to preserve wildlife population viability.

71. FUTURE WORK PROGRAMME AND SCRAIP UPDATE

At the request of the Committee, and to assist with the development of the future work programme, the Head of Planning and Development provided an update on staffing within his service area.

It was noted, following a successful recruitment campaign, that all vacancies within the Local Plan Team had been filled. In terms of Development Management the committee was informed that a new Development Manger would be in post by the end of November 2014. However, it was explained vacancies remained, including the Principal Planning Officer position, and that consultants were being used to cover these positions.

In terms of developing their work programme, in relation to the Local Plan, the Committee asked the Head of Planning and Development for an update to ensure all aspects were being investigated to provide the evidence needed to reduce the housing target figure to a lower figure than the objectively assessed housing need of 18,600. The following issues were discussed:

- The traffic modelling work being carried out by Kent County Council.
- The importance of the work being carried out in relation to landscape quality and in developing a GBI strategy.
- Using evidence provided by the public.
- Southern Water's position on flooding, drainage and sewage issues affecting the borough.

The Chairman informed the committee, following a request from officers, that an additional meeting, to look at Neighbourhood Plans, would take place on Monday 3 November 2014.

RESOLVED: That:

1. The future work programme, set out in Appendix A to the report of the Overview and Scrutiny Officer, be noted.
2. A special meeting be held on Monday 3 November 2014 to receive a report on Neighbourhood Plans.
3. The Cabinet Member for Planning, Transport and Development be asked to circulate a briefing note to update Committee on Southern Water's position on flooding, drainage and sewage issues affecting the borough.

72. LONG MEETING

Prior to 10:30pm, during consideration of the Future Work Programme and SCRAIP update item, the Committee considered whether to adjourn the meeting at 10:30pm or continue until 11:00pm if necessary.

RESOLVED: That the meeting continue until 11:00pm, if necessary.

73. DURATION OF MEETING

6.30pm to 10.33pm

Agenda Item 8

Maidstone Borough Council

Planning, Transport and Development Overview and Scrutiny Committee

Monday 3 November 2014

Update on Scrutiny Committee Recommendation Action Implementation Plan reference CEH.140715.20b regarding Parish Liaison

While reading the following report you may want to think about:

- What you want to know from the report;
- What questions you would like answered.

Make a note of your questions in the box below.

As you read the report you may think of other questions.

Questions I would like to ask regarding this report:

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Guidance note - Making Quality Overview and Scrutiny Recommendations

Scrutiny recommendations should seek to make a real difference to local people and the services provided. Recommendations that note a change or request further information fail to resolve problems or make changes. The scrutiny team have identified the following criteria for quality recommendations, they:

- affect and make a difference to local people;
- result in a change in policy that improves services;
- identify savings and maintain/improve service quality; or
- objectively identify a solution.

One way of checking the usefulness of recommendations is to evaluate them against the 'six Ws' set out below:

Good recommendations should answer these questions:

Why does it need to be done?	This will help ensure the outcome is relevant and in the right context – if a meeting is being requested it will ensure the correct people are invited to attend
Who is being asked to do it?	Without this nothing will get done (no one will take ownership)
What needs to be done?	Needs to be clear and specific
HoW will it be done?	Again, needs to be clear and specific, what is the expected output- for example a report to be written or a meeting to be arranged
Where does it need to be done/go?	If it's a meeting – where is it needed If it's a report – where is it to go, who needs to see it
When does it need to be done?	Crucial to have a timescale – without a deadline it will never get done

Thinking about these points will help ensure the outcomes of scrutiny are effective and will aid monitoring.

Maidstone Borough Council

Planning, Transport and Development Overview and Scrutiny Committee

Monday 3 November 2014

Update on Scrutiny Committee Recommendation Action Implementation Plan reference CEH.140715.20b regarding Parish Liaison

Report of: Tessa Mallett, Overview and Scrutiny Officer

1. Introduction

- 1.1 At their meeting of 3 October 2014 the Scrutiny Coordinating Committee considered a report on all SCRAIPs¹ made by Overview and Scrutiny Committees during the municipal year 2014 to date. The aim of this item was to determine how any outstanding actions should be followed up and monitored.
- 1.2 The Scrutiny Coordinating Committee, in particular the Chairman and Vice Chairman of the Planning Transport and Development Overview and Scrutiny Committee, requested, that as part of the special meeting on 3 November 2014 called to look at Neighbourhood Plans, that an additional brief item be included to look at the SCRAIP issued by the Community, Environment and Housing Overview and Scrutiny Committee at their meeting of 15 July 2014.
- 1.3 The Committee would like the Cabinet Member for Community and Leisure Services to provide an update following his initial response to the SCRAIP shown in the table on **Appendix A** attached, in particular the items highlighted in bold.

2. Recommendation

- 2.1 That the Committee considers the verbal update for the SCRAIP reference CEH.14.07.15.20b given by the Cabinet Member for Community and Leisure Services.

3 Reason for recommendation

- 3.1 The Special Planning, Transport and Development Overview and Scrutiny Committee meeting of 3 November 2014 was called to update the committee on the progress to date with the processing of Neighbourhood Plans by the Planning Department and to discuss plans going forward.

¹ Scrutiny Committee Recommendation Action Implementation Plans

- 3.2 Community, Environment and Housing Overview and Scrutiny Committee issued a SCRAIP at their meeting on 15 July 2014 after discussing the priorities of the Cabinet Member for Community and Leisure Services for 2014-15. This particular SCRAIP refers to the work being done to improve liaison between Maidstone Borough Council and parish councils.
- 3.3 The response to this SCRAIP by the Cabinet Member for Community and Leisure Services overlaps with the terms of reference for the Planning, Transport and Development Overview and Scrutiny Committee and the purpose of the meeting of 3 November 2014 regarding Neighbourhood Plans.

4. Impact on Corporate Objectives

- 4.1 The Strategic Plan sets the Council's key objectives for the medium term and has a range of objectives which support the delivery of the Council's priorities.
- 4.2 The Committee will consider reports that deliver against the following priorities:
- 'For Maidstone to have a growing economy' and 'For Maidstone to be a decent place to live'.

5. Financial Implications

- 5.1 None

6. Relevant Documents

- 6.1 Appendix A – SCRAIP reference CEH.140715.20b

7. Background Documents

- 7.1 None

**Planning, Transport and Development Overview and Scrutiny Committee
3 November 2014**



**For information - Community, Environment and Housing Overview and Scrutiny
Committee SCRAIP issued on 15 July 2014**

Meeting, Date & Minute	Recommendation	Executive Decision Maker	Action Expected Outcome	Response	Lead Officer
CEH.140715.20b 14	Cabinet Member for Community and Leisure Services report back to the Committee, in terms of performance against priorities for Parish Liaison, on: o Partnerships formed o Outcomes achieved o Results for residents	Cabinet Member for Community and Leisure Services		The Cabinet Member for Community and Leisure Services will support Parish Liaison through improved locality and place shaping. The Cabinet Member has programmed a series of introductory meetings between himself, parish councils and the Community Partnerships team, which aim to; . Strengthen the Parish Council relationships with the Borough Council. . Help the Parish Council (and its community) enhance its status. . Harness and encourage parish councils to share and provide its expertise and knowledge on local issues. . Encourage and support partnership working, involvement from other agencies and increased local voluntary action. Progress: . Cabinet Member introductory meetings held with all Parish Councils in Maidstone - Sarah Robson has diarised a programme of meetings for September to December 2014. The meetings will provide an overview of the Cabinet Member's role and remit, the role of the Community Partnerships team and key priorities supported by the Community Safety Plan, Community Development Plan and Health	Cabinet Member for Community and Leisure Services; Sarah Robson

Meeting, Date & Minute	Recommendation	Executive Decision Maker	Action Expected Outcome	Response	Lead Officer
15				<p>Inequalities Action Plan.</p> <ul style="list-style-type: none"> . Quarterly Parish Liaison meetings hosted by Zena Cooke and attended by Cllr Perry, Cllr Peter Colling, Cllr Geraldine Brown, Paul Riley, John Littlemore, Sarah Robson and Abi Jessop (KCC Community Engagement Officer). . Local Plan - D:SE facilitated an LP infrastructure day for the Parish Council. . Annual Parish Conference held in March 2015. John Littlemore has requested Affordable Housing is added to the Agenda. . Parish Charter to be refreshed for Maidstone. It will aim to set a standard for the Borough and Parish Councils to work together, respecting a vision for partnership working and acknowledging the borough's rich and diverse character. A working group has been established (chaired by Cllrs Brown and Perry) and MBC HoS have been engaged and commented on the draft. 	

Agenda Item 9

Maidstone Borough Council

Planning, Transport and Development Overview and Scrutiny Committee

Monday 3 November 2014

Neighbourhood Planning Update

While reading the following report you may want to think about:

- What you want to know from the report;
- What questions you would like answered.

Make a note of your questions in the box below.

As you read the report you may think of other questions.

Questions I would like to ask regarding this report:

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One way of checking the usefulness of recommendations is to evaluate them against the 'six Ws' set out below:

Good recommendations should answer these questions:

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Where does it need to be done/go?	If it's a meeting – where is it needed If it's a report – where is it to go, who needs to see it
When does it need to be done?	Crucial to have a timescale – without a deadline it will never get done

Thinking about these points will help ensure the outcomes of scrutiny are effective and will aid monitoring.

MAIDSTONE BOROUGH COUNCIL

**PLANNING, TRANSPORT AND DEVELOPMENT OVERVIEW &
SCRUTINY COMMITTEE**

MONDAY 3 NOVEMBER 2014

REPORT OF HEAD OF PLANNING & DEVELOPMENT

Report prepared by Sarah Anderton

1. NEIGHBOURHOOD PLANNING UPDATE

1.1 Issue for Consideration

1.1.1 To consider the progress being made with Neighbourhood Plans in the borough and the measures being put in place to improve the support being given to parish councils and neighbourhood plan groups by the Council.

1.2 Recommendation of Head of Planning & Development

1.2.1 That the Committee considers the improvement measures set out in paragraphs 1.3.19 to 1.3.24 of this report; and

1.2.2 That the Committee considers the amendment to the decision making arrangements set out in paragraph 1.3.28 to 1.3.30 of this report.

1.3 Reasons for Recommendation

Introduction

1.3.1 The Localism Act 2011 (the Act) empowers local communities to take responsibility for the preparation of aspects of planning policy for their area through a Neighbourhood Development Plan. The National Planning Policy Framework (NPPF) states that "neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need"¹.

1.3.2 Crucially, a neighbourhood plan becomes part of the Development Plan once it is adopted. It will have statutory weight in the

¹ Paragraph 183

council's decisions on planning applications. Planning legislation requires that decisions should be made in accordance with the development plan unless material considerations indicate otherwise². There is a duty on the council to provide advice or assistance to those preparing neighbourhood plans³.

1.3.3 Emerging plans, including emerging neighbourhood plans, may be given weight in the determination of planning applications. The degree of weight that may be given will be dependent on how far advanced the plan is, the extent of objections to the plan and its consistency with the NPPF⁴.

1.3.4 In overview, the steps in the preparation of a neighbourhood plan are as follows:

Stage	Regulation ⁵
Designation of the neighbourhood area. This is the area which the plan will cover	Regulation 5,6,7
Neighbourhood group prepares a draft plan	
Neighbourhood group undertakes 6 week public consultation on the draft plan, with publicity co-ordinated by MBC.	Regulation 14
Neighbourhood group submits the finalised plan to MBC. MBC issues a decision notice to confirm whether the legal requirements have been met.	Regulation 15
MBC co-ordinates formal public consultation on the plan for at least 6 weeks.	Regulation 16
Examination by an independent Inspector	Regulation 17
Based on Examiner's report, MBC determines whether to approve/reject the plan with/without modifications.	Regulation 18
Referendum held and, if the outcome is positive, MBC adopts the Plan.	Regulation 19,20

1.3.5 The various duties and responsibilities placed on the Council by the Regulations can be summarised as follows:

- Providing technical advice and support to those preparing neighbourhood plans;
- Checking that the plan meets all the technical and legal requirements;
- Publicising the Plan and receiving representations;
- Organising and paying for the examination including appointing an examiner;
- Organising and paying for the referendum.

² Planning & Compulsory purchase Act 2004 section 38(1).

³ Town & Country Planning Act 1990 (as amended) paragraph 3, schedule 4B.

⁴ NPPF paragraph 216

⁵ Neighbourhood Planning (General) Regulations (2012)

- 1.3.6 With respect to the technical and legal requirements, the Planning Advisory Service (PAS) has produced a useful checklist⁶ for local authorities to use when checking whether the submitted plan has met its legal requirements (see Regulation 15 in the table above).
- 1.3.7 A neighbourhood plan must pass an examination before it can go forward to a referendum and thereafter be adopted. It is the examiner's role to test whether the plan meets the specified 'basic conditions' that the plan:
1. Has had regard to national policy and guidance from the Secretary of State;
 2. Contributes to sustainable development;
 3. Is in general conformity with the adopted strategic policies of the development plan for the area or any part of that area; and
 4. Does not breach or is otherwise compatible with EU obligations (including the Strategic Environmental Assessment Directive).
- 1.3.8 The plan must also be a genuine land use plan with policies which relate to the development and use of land. This would not include statements which simply relate to the community's aspirations or objectives; policies should be capable of being applied in the determination of planning applications.
- 1.3.9 Plans should also be supported by a proportionate evidence base. The evidence base supporting the emerging Local Plan is extensive and neighbourhood groups can make use of this evidence in determining how borough needs will be delivered at the local level.
- 1.3.10 The focus of the council's advice to neighbourhood groups should relate to whether the emerging plan meets the basic requirements. This is where the council's input can be of the greatest value as these are the matters which will determine the success of the plan at examination.

General conformity

- 1.3.11 One of the basic conditions is that a neighbourhood plan must be in general conformity with the strategic policies of the development plan. For this borough, the development plan comprises:
- saved policies of the adopted Maidstone Borough-wide Local Plan (2000)
 - Open Space DPD (2006); Affordable Housing DPD (2006) and
 - saved policies in the adopted Kent Waste Plan and specific Kent minerals plans (KCC)

⁶ A Guide for Councils: meeting your authority's legal requirements for Neighbourhood Development Plans, PAS (November 2013)

- 1.3.12 For clarity, the policies from these documents which are both strategic and have a degree of consistency with the NPPF have been identified and are listed on the council's website. These are the policies with which a neighbourhood plan must be in general conformity.
- 1.3.13 It is not an absolute requirement for a neighbourhood plan to be in conformity with the emerging Local Plan. It is nonetheless clear that the emerging strategic policies and priorities, and importantly the substantial evidence which underpin them, are relevant to neighbourhood plans, particularly if the neighbourhood plan is to have a lifespan after the adoption of the Local Plan. A neighbourhood plan which provides additional detail to help shape the development proposed in the emerging Local Plan could be particularly valuable.

Progress of neighbourhood plans in the borough

- 1.3.14 The schedule at Appendix A sets out the position for each of the parish councils/neighbourhood forums intending to prepare a neighbourhood plan.
- 1.3.15 A total of 14 parishes/groups have started the process of preparing a neighbourhood plan. Three plans (Coxheath, Harrietsham and North Loose) have reached the formal 'submission' stage and officers are prioritising meetings with these groups to identify issues and to offer advice on a way forward.

MBC's Actions

- 1.3.16 It can be seen from the list in Appendix A that there has been significant level of interest from parish councils, plus one neighbourhood forum, in preparing neighbourhood plans.
- 1.3.17 What has become apparent is that, in the face of the clear priority to progress the Local Plan, there have been shortcomings in the delivery of key advice at the right time by officers to the groups preparing plans. For some (Coxheath and Harrietsham in particular), advice was given verbally but not followed up with timely written feedback which would have provided a clear audit trail. Overall, this has resulted in significant inconvenience and frustration for local groups. For some, abortive work has been undertaken which now needs to be rectified resulting in delay and additional costs for the groups involved. Steps are needed to re-establish the scope and timing of the officer-level advice and support to the local groups in a way which is both fit for purpose

whilst still enabling the timetable for the Local Plan to be maintained.

- 1.3.18 The following measures have been taken to improve and focus the support that officers are providing for local groups:
- 1.3.19 Consultant advice: an expert planning consultant has been appointed to advise on Local Plan conformity issues on the plans which have reached draft plan stage. Draft Plans must also be screened to determine whether their content triggers the need for a Strategic Environmental Assessment (SEA). The consultant is leading the preparation of the screening opinions for all the plans which have reached draft plan stage.
- 1.3.20 Guidance notes: to assist neighbourhood groups, guidance notes have been prepared setting out the council's involvement at key stages in the neighbourhood plan preparation process. These guidance notes have been published on the neighbourhood planning section of the website and cover the following topics:
- a) Flowchart showing the steps in the neighbourhood plan preparation process;
 - b) Strategic Environmental Assessment and Sustainability Appraisal; and
 - c) Conformity with adopted strategic development plan policies (this note includes the list of strategic development plan policies).
- 1.3.21 Feedback on emerging neighbourhood plans: as set out above, meetings are being held with the parishes/groups which are furthest advanced to advise on compliance with the legal requirements.
- 1.3.22 Communication: it is considered important that there are clearer lines of communication between the neighbourhood planning groups and the Spatial Policy team and that the team is sufficiently resourced to provide proportionate and timely support. To achieve this, Rachel Elliot (Planning Officer) will continue to be the first point of contact in the team for neighbourhood planning matters. In addition, senior support and oversight will be provided by Jillian Barr (Principal Planning Officer) with Sue Whiteside (Team Leader) taking the overall lead. The role of the planning consultant also provides some resilience against resourcing conflicts between the Local Plan timetable and neighbourhood plan demands.
- 1.3.23 Also relevant is the current cycle of meetings which the Cabinet member for Planning, Transport and Development and Spatial Policy officers are having with all the parish councils, resident and

campaign groups. Whilst the focus of these meetings has been the Local Plan, there has also been the opportunity for neighbourhood plan matters to be discussed. The Cabinet Member is keen that this level of dialogue continues.

- 1.3.24 Those groups progressing neighbourhood plans will also be encouraged to share an early draft of the plan with officers, prior to it being published for its first stage of consultation (Regulation 14). This will enable issues that may affect the success of the plan to be identified early, at a point when they can be addressed without prejudicing the progress of the plan. Plans are most likely to meet legal requirements and the 'basic conditions' if there is discussion with officers at an early stage.

Budget position

- 1.3.25 At its meeting on 13th June 2012, Cabinet considered the arrangements for neighbourhood planning in the borough. As part of its consideration, Cabinet agreed a budget of £40k for direct funding support for groups undertaking neighbourhood planning. Grants have been awarded to Boughton Monchelsea, Staplehurst, Coxheath, Harrietsham and Broomfield & Kingswood parish councils and North Loose Residents Association. At the time of writing, a balance of some £27,000 from this allocation remains available.

- 1.3.26 Over the past two financial years, local authorities have been able to apply to the government for grants in recognition of the duties that local authorities have in relation to neighbourhood planning. To date, MBC has received some £35k. This money could be reserved to contribute to the costs of forthcoming neighbourhood plan examinations and the subsequent referendums which will fall to this council to fund. There is no certainty about how long the government will continue to offer these grants.

Decision-making process

- 1.3.27 In June 2012 Cabinet agreed a framework for decision-making at key stages in the plan preparation process. The agreed framework is reproduced below.

	Stage	Decision method	Decision taker
1	Designation of the neighbourhood area (Regulations 6/7)	Internal consultation with ward members/ adjoining ward members	If officer view is to approve, and there is no contrary Member view, decision delegated to officers. If officer and/or Member

	Stage	Decision method	Decision taker
			view is to refuse, refer decision to Cabinet Member*.
2	Designation of neighbourhood forum (if no Parish Council) (Regs 8/9/10)	Internal consultation with ward members/ adjoining ward members	If officer view is to approve, and there is no contrary Member view, decision delegated to officers. If officer and/or Member view is to refuse, refer decision to Cabinet Member*.
3	MBC consulted on draft neighbourhood plan/neighbourhood development order/community right to build order (Reg 14/21)	Internal consultation with ward members/ adjoining ward members/Cabinet Member [NB parish/forum is responsible for consulting neighbouring authorities, including adjoining parishes and KCC, on its plan/order]	Cabinet Member Report* to consider MBC comments on draft plan/order
4	Decision to approve/reject/modify the plan/order post Examiners Report (Reg 18/25)	Cabinet Report	Cabinet*
5	Decision to adopt plan/order post Referendum (Reg 19/20/26/27)	Cabinet Report	Cabinet* then Full Council

* subject to normal call in procedures.

1.3.28 This agreed framework does not provide for a formal council response to the submitted version of the plan (Regulation 16). On reflection, it is considered important that the council makes a response at this formal stage and that this response has the weight of a Cabinet Member decision. The Examiner will want to know whether the council, as the local planning authority, is in agreement or not with the plan as it has been submitted and this can best be done through a response during this formal consultation stage.

1.3.29 It is therefore proposed that the following stage be inserted inbetween stages 3 and 4 in the decision making framework:

3a	MBC consulted on submission version of the neighbourhood plan (Reg 16)	Internal consultation with ward members/ adjoining ward members/Cabinet Member	Cabinet Member Report* to consider MBC comments on submission draft plan.
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1.3.30 Subject to this Committee’s views on this suggested change, it is proposed that a short report be prepared for Cabinet seeking agreement to this addition to the decision making process for neighbourhood plans.

1.4 Alternative Action and why not Recommended

1.4.1 In view of the community interest in neighbourhood planning, it is considered important that progress and actions be set out and discussed in this public forum.

1.5 Impact on Corporate Objectives

1.5.1 The way the Council supports neighbourhood planning will have an influence on the objective to make Maidstone a decent place to live.

1.6 Other Implications

1.6.1

1.	Financial	X
2.	Staffing	X
3.	Legal	X
4.	Equality Impact Needs Assessment	
5.	Environmental/Sustainable Development	
6.	Community Safety	
7.	Human Rights Act	
8.	Procurement	

9. Asset Management

1.6.2 Financial, staffing and legal impacts are set out in the body of the report.

1.7 Relevant Documents

1.7.1 Appendices

Appendix A – neighbourhood plans progress.

1.7.2 Background Documents

None.

<u>IS THIS A KEY DECISION REPORT?</u>		<u>THIS BOX MUST BE COMPLETED</u>	
Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
If yes, this is a Key Decision because:			
.....			
Wards/Parishes affected:			
.....			

Neighbourhood Plan	Designation of Neighbourhood Area (Reg 5)	Pre-submission Neighbourhood Plan consultation (Reg 14)	Screening completed	Submission of Neighbourhood Plan (Reg 15)	6 Week Consultation (Reg 16)	Comments
Boughton Monchelsea (BMPC)	29/10/2012					BMPC is preparing its draft plan
Boxley(BPC)	05/09/2013					BPC is preparing its draft plan
Broomfield and Kingswood (BRKPC)	15/10/2012	17/05/2014 - 28/06/2014	02/10/2014			Meeting held between B&KPC and MBC officers on 30/09/14. In response, the PC is to make amendments to the plan, with a further MBC meeting prior to Reg 16 consultation.
Coxheath (CPC)	20/10/2012	08/11/2013 - 20/12/2013	02/10/2014	27/01/2014	19/03/2014 - 30/04/14	Meeting held between CPC and MBC officers on 07/10/14. In response, PC to make amendments to the plan and to consider a possible re-consultation (Reg 16).
Harrietsham (HaPC)	29/10/2012	01/11/2013 - 14/12/2013	02/10/2014	27/06/2014		Meeting between HaPC and MBC officers is being arranged.
Headcorn (HcPC)	08/04/2013					HcPC is preparing its draft plan

Langley (LaPC)						Neighbourhood Area application has been submitted to MBC. MBC to confirm consultation dates/arrangements with LaPC.
Lenham (LePC)	27/11/2012					LePC is preparing its draft plan
Loose Parish (LoPC)	04/10/2013					LoPC is preparing its draft plan
Marden (MPC)	14/01/2013					MPC is preparing its draft plan
North Loose (NLRA)	18/12/2012	12/05/2014 - 20/06/14	02/10/2014	09/07/2014		Meeting between NLRA and MBC officers is being arranged.
Staplehurst (SPC)	14/01/2013	05/06/2014 - 17/07/2014	02/10/2014			Meeting between SPC and MBC officers is being arranged.
Sutton Valence (SVPC)	28/02/2014					SVPC is preparing its draft plan.
Tovil						MBC has requested amendments to the geographical area covered in the submitted area application.