

## **MAIDSTONE BOROUGH COUNCIL**

### **MINUTES OF THE EXTRAORDINARY MEETING OF MAIDSTONE BOROUGH COUNCIL HELD AT THE TOWN HALL, HIGH STREET, MAIDSTONE ON 25 JANUARY 2016**

**Present:** Councillor Moriarty (the Mayor) and Councillors Ash, Mrs Blackmore, Boughton, Brice, Burton, Butler, Chittenden, Clark, Cox, Cuming, Daley, Ells, English, Fissenden, Fort, Garland, Mrs Gooch, Greer, Mrs Grigg, Harper, Hemsley, Mrs Hinder, Mrs Joy, McKay, McLoughlin, B Mortimer, D Mortimer, Naghi, Newton, Paine, Mrs Parvin, Perry, Pickett, Mrs Ring, Mrs Robertson, Ross, Round, J Sams, Sargeant, Springett, Mrs Stockell, Thick, Vizzard, Watson, Webb, Webster, de Wiggondene, Willis, J A Wilson and Mrs Wilson

89. **APOLOGIES FOR ABSENCE**

It was noted that apologies for absence had been received from Councillors Harwood, Munford, Paterson and T Sams.

90. **DISPENSATIONS**

There were no applications for dispensations.

91. **DISCLOSURES BY MEMBERS AND OFFICERS**

The Head of Legal Partnership advised Members that at this meeting they would be making a decision on the progress of the Local Plan as a whole. For that reason, any site- or issue-specific Other Significant Interests that had been previously declared were not relevant as there were no decisions to be made at this meeting on individual sites, areas or broad locations; the decision related to the Maidstone Borough Local Plan.

There were no disclosures by Members or Officers.

92. **DISCLOSURES OF LOBBYING**

All Members stated that they had been lobbied on the report of the Strategic Planning, Sustainability and Transportation Committee relating to the Maidstone Borough Local Plan – Publication (Regulation 19).

Most Members stated that they had been lobbied on the report of the Strategic Planning, Sustainability and Transportation Committee relating to the North Loose Neighbourhood Development Plan.

93. EXEMPT ITEMS

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

94. MINUTES OF THE MEETING OF THE BOROUGH COUNCIL HELD ON 9 DECEMBER 2015

**RESOLVED:** That the Minutes of the meeting of the Borough Council held on 9 December 2015 be approved as a correct record and signed.

95. MAYOR'S ANNOUNCEMENTS

Having reminded Members that, at the last meeting, he had mentioned that, at his request, letters had been sent to the Mayors of Paris and Beauvais expressing sympathy and solidarity following the tragic events which took place in Paris on 13 November 2015, the Mayor read out the reply that he had received from the Mayor of Paris.

The Mayor welcomed Councillor McLoughlin back to the Council Chamber following an operation.

The Mayor then updated Members on recent/forthcoming events, and thanked them for their support.

Councillor Harper entered the meeting during the Mayor's announcements (6.40 p.m.).

96. PETITIONS

There were no petitions.

97. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

**Questions to the Chairman of the Strategic Planning, Sustainability and Transportation Committee**

Mr Peter Titchener asked the following question of the Chairman of the Strategic Planning, Sustainability and Transportation Committee:

*Seasonal agricultural tasks are now performed by hundreds of European Union workers who come into our area, not by local people. For Gypsy & Traveller sites, why do you therefore still hide behind "history" when advocating a huge increase in sites in our Borough, rather than using permissible flexibilities to bring our Borough back into line with other parts of Kent for the 21<sup>st</sup> century?*

The Chairman of the Strategic Planning, Sustainability and Transportation Committee replied that:

There are two very different parts to your question, and I do not think that we should bring the two together. The issue of European Union

workers is quite disconnected from that of the Gypsy and Traveller population in the Borough, and will ultimately be a subject of the national referendum later in the year, indirectly. The fact of the matter is that because in times past, this Borough relied heavily upon the traveller community to provide seasonal labour, we do have that legacy, and that is why in the Salford report and other research, we do need to make accommodation available to the level that we do. I would also further note that in the draft Local Plan we do fail to meet the number of sites that the report tells us that we need to and this is because of the lack of available and suitable sites.

Councillor Mrs Blackmore, the Leader of the Conservative Group, Councillor Mrs Wilson, the Leader of the Liberal Democrat Group, Councillor Mrs Gooch, the Leader of the Independent Group, Councillor Sargeant, the Leader of the UKIP Group, and Councillor McKay, the Leader of the Labour Group, then responded to the question.

Mr Titchener asked the following supplementary question of the Chairman of the Strategic Planning, Sustainability and Transportation Committee:

*The Salford University analysis was not as objectively assessed as it might have been. The University analysis failed to consult the settled community as required by the Government. Will you now require genuine sustainability of new sites, tests for genuine future nomadic intentions and consult the settled community with a view to arriving at a lower planned figure and rebalancing the over representation of sites in Maidstone which is about one third of all of them in Kent when compared with other parts of Kent?*

The Chairman of the Strategic Planning, Sustainability and Transportation Committee replied that:

The question seems to be in two parts. The first part relates to consultation, and the one thing that we have done more thoroughly than perhaps any other local authority in developing this Local Plan is to consult. The conclusions drawn from the consultation responses may not always directly correspond to the wishes of the consultees, but consultation has happened. With regard to the second part relating to the recent guidance about nomadic travel being required evidentially, I have asked questions about this, and I am reassured that within the Salford University report that consideration was already in our calculations.

Councillor Mrs Blackmore, the Leader of the Conservative Group, Councillor Mrs Wilson, the Leader of the Liberal Democrat Group, Councillor Newton, on behalf of the Leader of the Independent Group, Councillor Sargeant, the Leader of the UKIP Group, and Councillor McKay, the Leader of the Labour Group, then responded to the question.

Mr Peter Coulling asked the following question of the Chairman of the Strategic Planning, Sustainability and Transportation Committee:

*You are planning 18,560 new homes, a 30% increase by 2031. How do you reconcile that with the needs of current residents of our Borough and their children, with the much lower level of potential additional employment growth, with the state of our infrastructure and the general government requirement to ensure sustainable development?*

The Chairman of the Strategic Planning, Sustainability and Transportation Committee replied that:

The Council has an economic development strategy that has five strands. It is a bold strategy, but I would like to see it go further and deliver more jobs. The essence of the question begins to suggest that if we cannot create enough employment within the Borough in proportion to the housing, then we may perhaps have a constraint.

When I first took the role as Cabinet Member a few years ago, that was my thought precisely, and I investigated the possibility of that, but the Planning Advisory Service was quite clear in saying that the employment growth for the Borough would not be a constraint because of our close proximity to the largest employment market in the country (London) and we also have other employment opportunities not that far away, including Kingshill.

My personal ambition is that we should have a higher employment delivery within the Borough, but the NPPF is quite clear that this is not a constraint to housing numbers.

Councillor Mrs Blackmore, the Leader of the Conservative Group, Councillor Mrs Wilson, the Leader of the Liberal Democrat Group, Councillor Mrs Gooch, the Leader of the Independent Group, Councillor Sargeant, the Leader of the UKIP Group, and Councillor Harper, on behalf of the Leader of the Labour Group, then responded to the question.

Mr Coulling asked the following supplementary question of the Chairman of the Strategic Planning, Sustainability and Transportation Committee:

*More homes resulting in more commuters will exacerbate the impact on infrastructure so will you continue to ignore the flaws in G L Hearn's assessment of need and will you now make every effort to follow Chichester's example and apply constraints to get a lower target than the Objectively Assessed Housing Need?*

The Chairman of the Strategic Planning, Sustainability and Transportation Committee replied that:

We have checked, checked and checked again the Hearn Report and others have made their own studies and drawn similar conclusions. The next stage, if we have a Local Plan going forward, is to work hard to ensure that the infrastructure is delivered.

I am interested that you mention the Chichester Local Plan as I have looked at that. It is interesting to note that the Inspector actually said

that I will give you five years because it falls short, and they are already one year into that. It is interesting to note that Chichester has a significantly smaller population than Maidstone so it is difficult to compare numbers like for like. It is interesting to note that in terms of transport and the road infrastructure, Chichester was told that further thought was required due to the potential offered through proposed government funding for the upgrading of the A27. It is interesting to note the constraints that Chichester has due to Sites of Special Scientific Interest and that a big part of the area actually has its own Local Plan within the Local Plan. I cannot see that there is anything directly in the example of Chichester that we could apply to our own scenario to get a better outcome than the one on the papers this evening.

Councillor Mrs Blackmore, the Leader of the Conservative Group, Councillor Mrs Wilson, the Leader of the Liberal Democrat Group, Councillor Mrs Gooch, the Leader of the Independent Group, Councillor Sargeant, the Leader of the UKIP Group, and Councillor Harper, on behalf of the Leader of the Labour Group, then responded to the question.

Ms Geraldine Brown asked the following question of the Chairman of the Strategic Planning, Sustainability and Transportation Committee:

*Why have you not stood up for the current residents of our Borough and sought every permissible opportunity to avoid becoming the housing growth capital of Kent at the expense of our quality of life?*

The Chairman of the Strategic Planning, Sustainability and Transportation Committee replied that:

I do not believe that any one Councillor here, irrespective of political colour, has the slightest ambition for us to be the housing growth capital of Kent. We do not. I do believe that we share the ambition to meet the need of our residents, and I do believe that the way for us to protect their quality of life is to have a Local Plan in place, with the smallest target for housing that meets that need, that will be found sound at examination. In having that Plan, we will take back control of the planning system, we will be able to say where development is most acceptable, and, more importantly, we will be able to categorically refuse it where it is inappropriate. Through that protection and through that strategic planning we will deliver the best quality of life that is possible for our residents.

Councillor Mrs Blackmore, the Leader of the Conservative Group, Councillor Mrs Wilson, the Leader of the Liberal Democrat Group, Councillor Mrs Gooch, the Leader of the Independent Group, Councillor Sargeant, the Leader of the UKIP Group, and Councillor Harper, on behalf of the Leader of the Labour Group, then responded to the question.

Ms Brown asked the following supplementary question of the Chairman of the Strategic Planning, Sustainability and Transportation Committee:

*I represent 51% of this Borough and many of our residents are already suffering from unsustainable development in parts of this Borough, when will you start to focus on the needs and wishes of those who elected you and apply the very real constraints that exist and are covered by the NPPF?*

The Chairman of the Strategic Planning, Sustainability and Transportation Committee replied that:

I am just going to reiterate that the Plan starts with the Objectively Assessed Housing Need of our Borough; that is where we start, that is where we focus. It is about the need of the residents of this Borough now and in the future; and that is what we are doing.

Councillor Mrs Blackmore, the Leader of the Conservative Group, Councillor Mrs Wilson, the Leader of the Liberal Democrat Group, Councillor Mrs Gooch, the Leader of the Independent Group, Councillor Sargeant, the Leader of the UKIP Group, and Councillor Harper, on behalf of the Leader of the Labour Group, then responded to the question.

Mrs Cheryl Taylor-Maggio asked the following question of the Chairman of the Strategic Planning, Sustainability and Transportation Committee:

*Why has it taken so long for Maidstone Borough Council to make any allowance for windfalls and why are you still failing to make a proper allowance for past windfall delivery throughout the Plan period?*

The Chairman of the Strategic Planning, Sustainability and Transportation Committee replied that:

I have had a tally up of how often you have asked me this question in different versions; the most recent being at the last full Council meeting, and details are set out in the Minutes. I think that we have been thorough in considering the windfall allowance, for example at meetings of the full Council in 2013, and I believe that we have the maximum windfall allowance. It is a generous windfall allowance in the Plan, and I believe that this Council has done well to evidence that.

Councillor Mrs Blackmore, the Leader of the Conservative Group, Councillor Mrs Wilson, the Leader of the Liberal Democrat Group, Councillor Mrs Gooch, the Leader of the Independent Group, Councillor Sargeant, the Leader of the UKIP Group, and Councillor McKay, the Leader of the Labour Group, then responded to the question.

Mrs Taylor-Maggio asked the following supplementary question of the Chairman of the Strategic Planning, Sustainability and Transportation Committee:

*As you have at last recognised that windfalls are a valid consideration, why have you not followed Government guidelines and assumed a windfall allowance of almost 200 per annum throughout the Plan period that fully*

*reflects past experience and would contribute to some 1,000 houses or 20% or more towards early delivery of a 5 year housing supply?*

The Chairman of the Strategic Planning, Sustainability and Transportation Committee replied that:

I would refer you to my response to the question asked at the last full Council meeting when I said that the following numbers of windfall homes have come forward since 2013/14:

2013/14	197
2014/15	170
2015/16 (so far)	135

The number is falling, so to take an arbitrary figure of 200 or so and roll it forward, the evidence does not support it; that is why I am afraid.

Councillor Mrs Blackmore, the Leader of the Conservative Group, Councillor Mrs Wilson, the Leader of the Liberal Democrat Group, Councillor Mrs Gooch, the Leader of the Independent Group, Councillor Sargeant, the Leader of the UKIP Group, and Councillor Harper, on behalf of the Leader of the Labour Group, then responded to the question.

Note: Councillor Naghi entered the meeting prior to the response of the Group Leaders (or their representatives) to Mr Coulling's original question (6.55 p.m.).

To listen to the responses to these questions, please follow this link:

<http://live.webcasts.unique-media.tv/mbc390/interface>

98. QUESTIONS FROM MEMBERS OF THE COUNCIL TO THE CHAIRMEN OF COMMITTEES

There were no questions from Members of the Council to the Chairmen of Committees.

99. ORAL REPORT OF THE STRATEGIC PLANNING, SUSTAINABILITY AND TRANSPORTATION COMMITTEE HELD ON 19 JANUARY 2016 - NORTH LOOSE NEIGHBOURHOOD DEVELOPMENT PLAN

It was moved by Councillor Burton, seconded by Councillor Clark, that the Council approves the North Loose Neighbourhood Development Plan, attached as Appendix A to the report of the Head of Planning and Development to the meeting of the Strategic Planning, Sustainability and Transportation Committee held on 19 January 2016, to proceed to referendum.

**RESOLVED:** That the North Loose Neighbourhood Development Plan, attached as Appendix A to the report of the Head of Planning and Development to the meeting of the Strategic Planning, Sustainability and

Transportation Committee held on 19 January 2016, be approved to proceed to referendum.

100. REPORT OF THE STRATEGIC PLANNING, SUSTAINABILITY AND TRANSPORTATION COMMITTEE HELD ON 13 JANUARY 2016 - MAIDSTONE BOROUGH LOCAL PLAN - PUBLICATION (REGULATION 19)

It was moved by Councillor Burton, seconded by Councillor Mrs Grigg, that the recommendations of the Strategic Planning, Sustainability and Transportation Committee relating to the Maidstone Borough Local Plan – Publication (Regulation 19) be agreed subject to the amendment of the first recommendation as follows:

That subject to the reclassification of Coxheath as a Larger Village and the insertion of the Indicative Housing Trajectory, the Council approves the Maidstone Borough Local Plan 2016 (attached as Appendix A to the report to the Strategic Planning, Sustainability and Transportation Committee dated 13 January 2016, revised to reflect (i) insertion of the words ‘community and’ at line 1 of Policy H1 paragraph 2 on page 78, before the word ‘strategic’; and (ii) any previously agreed site-specific infrastructure criterion not covered by (i) which were agreed by the Strategic Planning, Sustainability and Transportation Committee or its decision-making predecessor, and (iii), except where decisions and resolutions of the Planning Committee and/or the Planning Referrals Committee already supersede (i) and (ii)) for Publication (Regulation 19) and Submission to the Secretary of State for Communities and Local Government (Regulation 22) for examination under section 20 of the Planning and Compulsory Purchase Act 2004.

Councillor Burton explained that the amendment to the first recommendation was agreed by the Strategic Planning, Sustainability and Transportation Committee at its meeting held on 19 January 2016 having regard to the fact that several sites had secured a planning consent or a resolution to grant subject to the signing of a S106 agreement, resulting in previously agreed site specific policy criteria being superseded.

Five Members of the Council requested that a named vote be taken. The voting was as follows:

For (38)

Councillors Mrs Blackmore, Boughton, Burton, Butler, Chittenden, Clark, Cox, Daley, Ells, English, Fissenden, Garland, Mrs Gooch, Greer, Mrs Grigg, Harper, Hemsley, Mrs Hinder, Mrs Joy, McKay, McLoughlin, Moriarty, B Mortimer, D Mortimer, Naghi, Paine, Mrs Parvin, Pickett, Mrs Ring, Mrs Robertson, Ross, J Sams, Vizzard, Mrs Watson, Webster, Webb, Willis, Mrs Wilson

Against (13)

Councillors Ash, Brice, Cuming, Fort, Newton, Perry, Round, Sargeant, Springett, Mrs Stockell, Thick, de Wiggondene and J A Wilson



**RESOLVED:**

1. That subject to the reclassification of Coxheath as a Larger Village and the insertion of the Indicative Housing Trajectory, the Council approves the Maidstone Borough Local Plan 2016 (attached as Appendix A to the report to the Strategic Planning, Sustainability and Transportation Committee dated 13 January 2016, revised to reflect (i) insertion of the words 'community and' at line 1 of Policy H1 paragraph 2 on page 78, before the word 'strategic'; and (ii) any previously agreed site-specific infrastructure criterion not covered by (i) which were agreed by the Strategic Planning, Sustainability and Transportation Committee or its decision-making predecessor, and (iii), except where decisions and resolutions of the Planning Committee and/or the Planning Referrals Committee already supersede (i) and (ii)) for Publication (Regulation 19) and Submission to the Secretary of State for Communities and Local Government (Regulation 22) for examination under section 20 of the Planning and Compulsory Purchase Act 2004.
2. That delegated powers be granted to the Strategic Planning, Sustainability and Transportation Committee to submit a schedule of proposed changes/main modifications to the pre-submission Publication version of the Maidstone Borough Local Plan 2016, arising from representations made (Regulation 20), to the Secretary of State.
3. That the Borough's full objectively assessed housing need of 18,560 dwellings be confirmed as the Council's Local Plan housing target.

101. DURATION OF MEETING

6.30 p.m. to 8.45 p.m.