

## **MAIDSTONE BOROUGH COUNCIL**

### **STRATEGIC PLANNING AND INFRASTRUCTURE COMMITTEE**

#### **MINUTES OF THE MEETING HELD ON TUESDAY 9 JULY 2019**

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

**Also Present:** Councillor Spooner

25. APOLOGIES FOR ABSENCE

There were no apologies for absence.

26. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

27. URGENT ITEMS

The Chairman informed the Committee that he had agreed to take urgent updates to the following items:

- Item 15. Sports Facilities and Playing Pitch Strategies Approval. The reason for urgency was that following publication of the agenda, the additional information needed to be brought to the attention of Members as it materially affected decision making.
- Item 17. Infrastructure Delivery Plan (IDP) and Regulation 123 List Annual Review. The urgent update provided additional clarity, as formatting errors had occurred in Appendices 3 and 4 during publication of the agenda.
- Item 19. S106 Legal Agreements – Monitoring Report. The reason for urgency was that the document clearly highlighted to the reader the monies that urgently need to be spent.

28. NOTIFICATION OF VISITING MEMBERS

It was noted that Councillor Spooner was present as a Visiting Member, but did not register to speak.

29. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

30. DISCLOSURES OF LOBBYING

There were no disclosures of lobbying.

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

**RESOLVED:** That all items be taken in public as proposed.

32. MINUTES OF THE MEETING HELD ON 25 JUNE 2019

The Committee commented that there was a factual inaccuracy in the minute for Item 22. Loose Neighbourhood Plan.

**RESOLVED:** That the minutes of the meeting held on 25 June 2019 be approved as a correct record and signed, subject to an amendment to Item 22. Loose Neighbourhood Plan:

“It was stated that the Strategic Planning, Sustainability and Transportation Committee had initially been asked to endorse this objection, but it was inappropriate to use a position as a planning authority to advance the Council’s position as a landowner.”

Voting: For – 8      Against – 0      Abstentions – 1

33. PRESENTATION OF PETITIONS (IF ANY)

There were no petitions.

34. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were no questions from members of the public.

35. COMMITTEE WORK PROGRAMME

The Democratic Services Officer informed the Committee that, following a request for a report, the matter of who could sign Statements of Common Ground had been explored. This responsibility was delegated to the Head of Planning and Development. The Committee requested that written guidance be circulated via email and stated that if no queries were raised, the item was to be removed from the Work Programme.

The Head of Planning and Development informed the Committee that a report regarding an Article 4 Direction on fourteen sites in the Maidstone Town Centre was to be added to the Work Programme for September 2019.

**RESOLVED:** That the Committee Work Programme be noted, as amended.

36. REPORTS OF OUTSIDE BODIES

**RESOLVED:** That the Reports of Outside Bodies be noted.

### 37. OUTCOME OF LOW EMISSION ZONE FEASIBILITY STUDY IN UPPER STONE STREET

The Senior Scientific Officer explained that the report outlined potential improvement measures to air quality, which could be implemented at Upper Stone Street. An initial longlist of 28 measures had been distilled to form three options. It was stated that, without intervention, pollution levels would not be compliant with statutory air quality objectives until 2028. The three options were:

- "Scenario 1 – Red Route" – the introduction of a Red Route restriction, preventing vehicles stopping on Palace Avenue, Lower Stone Street and Upper Stone Street.
- "Scenario 2 – Cleaner and More Efficient Fleet Usage" – the implementation of plans to minimise the number of freight vehicle movements on Upper Stone Street, while simultaneously introducing lower emission vehicles.
- "Scenario 3 – Charging Clean Air Zone" – the introduction of a Class B Charging Clean Air Zone (CAZ), by which a daily charge was levied on defined vehicle classes that did not meet prescribed emission standards

Officers confirmed that Scenario 2 was deliverable by Maidstone Borough Council (MBC), but that it benefitted from partnership working with Kent County Council (KCC). Scenario 1 and 3 required partnership working with KCC and funding from the Department for Environment, Food & Rural Affairs (DEFRA) to implement. The most effective option, Scenario 3, was likely to bring compliance with statutory air quality objectives forward by one year.

The Committee commented that:

- Scenario 1 was a cost-effective solution that enhanced traffic flow and improved air quality. However, any negative impact on businesses was to be mitigated if this was implemented.
- Scenario 3 potentially encouraged drivers to use routes other than Upper Stone Street, which was the official route for freight.
- Options for planting street trees in Upper Stone Street, to improve air quality, were to be explored further as significant grants were available to implement this.

In response to questions from the Committee, Officers responded that:

- The introduction of Scenario 1 was expected to improve air quality by 2-3%.

- It was not clear how much money would be required for subsidies and retrofitting vehicles if Scenario 2 was pursued. It was likely that funding from Central Government was needed to implement this solution.

**RESOLVED:** That:

1. The Strategic Planning and Infrastructure Committee note the findings of the report.

Voting: Unanimous

2. The Director of Regeneration and Place assess the level of support from Kent County Council to implement Scenario 1 outlined in the report.

Voting: For – 5      Against – 1      Abstentions – 3

Note: Councillors Burton and McKay requested that their dissent be noted.

3. A report be submitted to the Strategic Planning and Infrastructure Committee, outlining the outcome of discussions with Kent County Council, by January 2020.

Voting: Unanimous

4. This Committee instruct the Director of Regeneration and Place to investigate the scope for a planting scheme to mitigate the air quality in Upper Stone Street.

Voting: For – 8      Against – 1      Abstentions – 0

38. **MAIDSTONE STRATEGIC INFRASTRUCTURE COLLABORATION BOARD**

The Chief Executive outlined that MBC and KCC had agreed to establish a strategic board as part of the resolution of the recent Judicial Review. This was to take place by 30 September 2019. The arrangements of the Maidstone East Strategic Board had influenced the draft Maidstone Strategic Infrastructure Collaboration Board (MSICB) terms of reference, as the small membership size had proven to be effective. The key difference between the MSICB and the Maidstone East Strategic Board was that Members of Parliament (MPs) were to participate as Members of the MSICB. This provided greater leverage when bringing investment to the Borough. It was stated that the Maidstone Joint Transportation Board (JTB) would not be decommissioned, as it would be used to monitor the progress of projects agreed by the MSICB and consider consultation feedback on Traffic Regulation Orders (TROs).

The Committee commented that:

- Co-Chairs from each Local Authority at the Maidstone East Strategic Board had been an effective approach, therefore, this was to be

considered for the MSICB. This would be instead of alternating the Chairmanship on an annual basis.

- The membership proposed in the report inhibited collaborative work and continuity between the MSICB and the Strategic Planning and Infrastructure Committee. The Vice-Chair of the Strategic Planning and Infrastructure Committee was therefore a more appropriate member than the Vice-Chair of the Policy and Resources Committee.

In response to questions from the Committee, the Chief Executive replied that:

- The MSICB was not limited to the consideration of transport infrastructure, as it would also consider areas such as education and health infrastructure.
- The MSICB would not implement decisions directly through its terms of reference, but existing provisions in the MBC and KCC Constitutions allowed areas of consensus to be implemented by Committees or Officers.
- The MISCB was an opportunity to generate consensus on Statements of Common Ground.
- Extending the membership to include a fourth MBC Councillor was a possibility, however, by limiting the number of Members to three, the Board remained compact and more efficient.
- The allocation of Community Infrastructure Levy (CIL) monies by the Strategic Planning and Infrastructure Committee was reactive if there was no collaboration with KCC. The implementation of the MISCB would ensure that CIL allocations could be more proactive.

**RESOLVED:** That:

1. The agreement between Maidstone Borough Council and Kent County Council to establish a Board with the purpose of jointly working on strategic projects be noted.
2. The proposed arrangements for the Board including its purpose, aims and membership (as amended by resolution 4), as set out in section 2 be agreed, for the purpose of discussion at the first meeting of the Board.
3. Delegated authority be granted to the Chief Executive to make changes to the proposed arrangements and agreement of terms of reference with other members of the Board, namely Kent County Council and Maidstone Members of Parliament, in consultation with the Chair of the Policy and Resources Committee and the Chair and Vice-Chair of the Strategic Planning and Infrastructure Committee.

4. The Maidstone representatives on the Board be; the Chair of the Policy and Resources Committee and the Chair and Vice-Chair of the Strategic Planning and Infrastructure Committee, the Chief Executive and the Director of Regeneration and Place.

Voting: For – 8                      Against – 0                      Abstentions – 1

Note: The meeting was adjourned from 8.00 p.m. to 8.08 p.m.

### 39. SPORTS FACILITIES AND PLAYING PITCH STRATEGIES APPROVAL

The Strategic Planning Manager reminded the Committee that at its meeting on 5 February 2019, the Strategic Planning, Sustainability and Transportation Committee approved the Sports Facilities and Playing Pitch Strategies, subject to amendment, as part of the evidence base for the Local Plan Review. It had not, however, been possible to amend the strategies in accordance with the resolution. The Committee was therefore asked to approve the two strategies without amendment, subject to the strategies being reviewed at a later date.

The Strategic Planning Manager, in response to questions from the Committee, said that:

- The Sports England methodology used to form the strategies excluded specialist sporting facilities such as Pegasus Gym, as the methodology required a demonstration of regional or sub-regional need.
- Heavenly Gym had been excluded from the Sports Facilities Strategy as it was allocated for housing development in the adopted Local Plan, and therefore it could not be relied upon as future sports provision.
- Mangravet Playing Field had not been included in the Playing Pitch Strategy as the Kent Football Association had no record of the field being used.
- The inclusion of the three sites at this stage required additional costs and consultation time, therefore, it was appropriate to reconsider the sites when the strategies were reviewed in January 2020.

The Committee commented that:

- Although the Heavenly Gym site was allocated for development, the possibility of replacing the facility at an alternative site may be possible.
- Maidstone should be proud of Pegasus Gym. If it could not be included in the strategy for technical reasons, it was instead to be recognised as a facility in the document.

**RESOLVED:** That:

1. The Sports Facilities Strategy be approved as part of the Council's evidence base for the review of the Maidstone Borough Local Plan.
2. The Playing Pitch Strategy be approved as part of the Council's evidence base for the review of the Maidstone Borough Local Plan.
3. An addendum be included in the Playing Pitch Strategy to state that:

"Mangravet Recreation Field has potential to contribute towards the borough's supply of sports pitches, and an appraisal of the site will be given consideration when the Playing Pitch Strategy is reviewed in 2020."

4. An addendum be included in the Sports Facilities Strategy to state that:

"The Heavenly Fitness Gym has been omitted from the strategy due to the site's allocation for housing development in the Maidstone Borough Local Plan 2017. The site's potential for future housing development, sports provision or the possibility of replacement on an alternative site will be examined through the review of the Sports Facilities Strategy and as part of the Local Plan review."

5. An addendum be included in the Sports Facilities Strategy to state that:

"Pegasus Gym is recognised as a Maidstone facility and will be further evaluated at the Local Plan Review."

Voting: Unanimous

40. MARDEN NEIGHBOURHOOD PLAN REGULATION 16

The Strategic Planning Manager informed the Committee that Marden Parish Council had afforded MBC Officers the opportunity to informally comment on the plans and had responded positively to comments made. MBC were responsible for facilitating the Regulation 16 consultation and could also make representations during this period. The proposed representations were attached as Appendix 1 to the report.

The Committee congratulated Marden Parish Council.

**RESOLVED:** That:

1. The Marden Neighbourhood Plan be supported.
2. The Council's representation on the Marden Neighbourhood Plan, attached at Appendix 1, be approved.

Voting: Unanimous

41. INFRASTRUCTURE DELIVERY PLAN (IDP) AND REGULATION 123 LIST ANNUAL REVIEW

The Principle Planning Officer informed the Committee that the Infrastructure Delivery Plan (IDP) showed a snapshot of the infrastructure requirements needed to deliver the adopted Local Plan. The report proposed two options for revisions to the Regulation 123 List, to ensure clarity. Option A excluded Lenham Primary School from Community Infrastructure Levy (CIL) funding, while Option B outlined that the Lenham Primary School was to be funded from CIL monies and was therefore not to be funded by S106 monies.

The Chairman read a statement on behalf of Councillor J Sams.

Mrs Prendergast spoke on this item.

In response to questions by the Committee, Officers responded that:

- CIL funding was non-negotiable, while S106 funding was negotiable.
- The document included in the report at Appendix 2 was the draft IDP, and any comments by Councillors were to be submitted via email, ahead of the IDP being approved later in the year.

**RESOLVED:** That the proposed revision to the Regulation 123 List to include 1FE expansion of Lenham Primary School within the exclusions list (Option A, as per Appendix 3) be agreed for a statutory six week public consultation exercise.

Voting: Unanimous

42. THE OPERATION OF PLANNING PERFORMANCE AGREEMENTS

The Head of Planning and Development explained that feedback from Councillors and developers had shown that Planning Performance Agreements (PPAs) were a success.

The Committee commented that PPAs led to heightened engagement and discussion. This resulted in better quality development schemes, which was beneficial to Maidstone Borough Council, Parish Councils and members of the public. The approach allowed Councillors and Officers to shape developments at an early stage, ensured that solutions to problems were agreed earlier.

In response to questions from the Committee, the Practice Area Team Leader – Planning (Mid-Kent Legal) said that PPAs were not used to fund the Planning Department. Furthermore, information relating to PPAs was not confidential and could be accessed through Freedom of Information requests.

**RESOLVED:** That PPAs continue to be used.

Voting: For – 8 Against – 1 Abstentions – 0

43. S106 LEGAL AGREEMENTS - MONITORING REPORT

The Head of Planning and Development explained that the report followed the implementation of an electronic monitoring system, which tracked every S106 agreement and every trigger-point for S106 payments. In future, it was anticipated that updates could be provided more regularly.

The Committee commented that although it welcomed the information provided in the report, the extent of the urgent update meant that there had not been an appropriate amount of time to consider the information.

**RESOLVED:** That the item be deferred until the next meeting of the Strategic Planning and Infrastructure Committee.

Voting: Unanimous

Note: Councillor English left the meeting during consideration of this item.

44. OUTSIDE BODY REPORT 2019/20

The Democratic Services Officer outlined that the report summarised Outside Bodies within the remit of the Strategic Planning and Infrastructure Committee. It was stated that some Councillors had time remaining on their terms of office, having previously been appointed as Council Representatives, while other Councillors had been automatically appointed for the 2019/20 municipal year. The following nominations had been received for Council Representative positions:

- Councillor Patrik Garten for the Kent Downs AONB Joint Advisory Committee.
- Councillor Clive English for the Maidstone Cycling Forum.

The Democratic Services Officer explained that a report was to be submitted to the Democracy and General Purposes Committee in September to remove the South East Rail Passenger Group from the Constitution. This Outside Body had been superseded by the South Eastern Railway Stakeholder Forum, which did not require a designated Council Representative.

The Committee requested that the vacancies on the Maidstone Cycling Forum and Medway Valley Line Steering Group be re-advertised to all Councillors.

**RESOLVED:** That:

1. The current Council Representatives be noted.

2. Councillor Patrik Garten be appointed as a Council Representative on the Kent Downs AONB Joint Advisory Committee.

3. Councillor Clive English be appointed as a Council Representative on the Maidstone Cycling Forum.

Voting: For – 7      Against – 0      Abstentions – 1

45. DURATION OF MEETING

6.31 p.m. to 9.26 p.m.