

MAIDSTONE BOROUGH COUNCIL

STRATEGIC PLANNING AND INFRASTRUCTURE COMMITTEE

MINUTES OF THE MEETING HELD ON TUESDAY 8 SEPTEMBER 2020

Present: Councillors Adkinson, D Burton (Chairman), Clark, English, Garten, Munford, Parfitt-Reid, de Wiggondene-Sheppard and Wilby

Also Present: Councillors Cox and Perry

172. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Grigg and McKay.

173. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that the following Substitute Members were present:

- Councillor Wilby for Councillor Grigg
- Councillor Adkinson for Councillor McKay

174. URGENT ITEMS

There were three urgent items which included a report to be taken under Item 13 – Reports of Outside Bodies, a presentation to be given by the Interim Local Plan Review Director and Strategic Planning Manager under Item 14 – Maidstone Local Plan Review Update and that Item 20 – Housing Land Supply Position 2020 would be taken alongside Item 14 in order that further contextual information would be provided to the Committee.

175. NOTIFICATION OF VISITING MEMBERS

Councillors Cox and Perry were in attendance as Visiting Members for Item 14 – Maidstone Local Plan Review Update.

176. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosable pecuniary interests or other significant interests.

Councillor Garten informed the Committee that he was a Council Representative on the Kent Downs AONB Joint Advisory Committee in relation to Item 17 – Kent Downs Draft AONB Management Plan Consultation.

Councillor Munford informed the Committee of his position as the Chairman of Boughton Monchelsea Parish Council in relation to Item 16 – Boughton Monchelsea Neighbourhood Plan Regulation 16.

177. DISCLOSURES OF LOBBYING

Councillors D Burton, Clark, Garten and Parfitt-Reid had been lobbied on Item 14 – Maidstone Local Plan Review Update.

Councillor Wilby had been lobbied on Item 14 - Maidstone Local Plan Review Update, Item 15 – Lenham Neighbourhood Plan (Regulation 17A), Item 16 – Boughton Monchelsea Neighbourhood Plan Regulation 16 and Item 19 – Reference from the Biodiversity and Climate Change Working Group – England Tree Strategy Consultation Response.

Councillor Munford had been lobbied on Item 14 – Maidstone Local Plan Review Update, Item 16 – Boughton Monchelsea Neighbourhood Plan, Item 18 – Conservation Areas Work Programme and Item 19 - Reference from the Biodiversity and Climate Change Working Group – England Tree Strategy Consultation Response.

178. EXEMPT ITEMS

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

179. MINUTES OF THE MEETING HELD ON 7 JULY 2020

RESOLVED: That the minutes of the meeting held on 7 July 2020 be approved as a correct record and signed at a later date.

180. PRESENTATION OF PETITIONS

There were no petitions.

181. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were five questions from Members of the Public.

Question from Mrs Geraldine Brown to the Chairman of the Strategic Planning and Infrastructure Committee

'On 16th July, the Chief Executive and the Interim Local Plan Review Director met the Ministry of Housing, Communities & Local Government's Head of Planning. We understand that this Maidstone delegation did not receive any assurances about reducing the very large requirement for additional houses in our Borough during the Local Plan Review Period. Is that your understanding?'

The Chairman responded to the question.

Question from Mr Peter Coulling to the Chairman of the Strategic Planning and Infrastructure Committee

'The Ministry of Housing, Communities & Local Government's proposed revision of methodology to calculate Housing Needs implies, for our borough, a 35%, and across Kent as a whole, a 25% increase in annual Housing Needs, when compared with current methodology; that is almost 6000 further homes in the period to 2037. Will you require Maidstone's Members and Officers to take the lead in collaborating with other Kent Authorities to put forward an appropriate submission to the Ministry's consultation, presumably strongly objecting to the implications for our Borough?'

The Chairman responded to the question.

Mr Coulling asked the following supplementary question:

'Do you think that it's a pity that your constitution or rules do not allow this Committee to require officers to put in such a consultation submission?'

The Chairman responded to the supplementary question.

Question from Mr John Horne to the Chairman of the Strategic Planning and Infrastructure Committee

'The current Local Development Scheme indicates Regulation 19 consultation in December 2021, with two prior regulation 18 consultations. Word on-the-street is that, in order to expedite the situation, Regulation 18 consultation will be dropped. Is that right?'

The Chairman responded to the question.

Mr Horne asked the following supplementary question:

'If Regulation 18 is altogether dispensed with, then surely there's a slight problem because it is generally considered a condition precedent to the submission of the submission to the Secretary of State under section 20 of the Planning and Compulsory Purchase Act. How is that going to be met?'

The Chairman responded to the supplementary question.

Question from Mr Peter Titchener to the Chairman of the Strategic Planning and Infrastructure Committee

'The Local Plan Review Update submitted to this meeting fails to indicate a sense of urgency in determining when and how the Local Plan Timeframe might be expedited to adjust the timetable for Regulation 19 to avoid the impact of the Department's proposed change of methodology – the preferred option A would report back to this committee on 22nd September. Are you confident that the Local Plan Review team will give this matter its urgent and can-do attention?'

The Chairman responded to the question.

Mr Titchener asked the following supplementary question:

'To maintain your comfort level, you have said that Maidstone needs to act quickly, will you require brief Local Plan Review status reports more frequently than the scheduled meetings of the Committee, especially over the critical next few months, where there's greater uncertainty at the moment as to whether the government's housing need for Maidstone could in fact eventually turn out to be more than double the present level and be 34,000?'

The Chairman responded to the supplementary question.

Question from Mr John Hughes to the Chairman of the Strategic Planning and Infrastructure Committee

'Given that the Borough faces high or now even higher rates of housing growth, and experiences longstanding and significantly worsening transport problems, what is the current strategic thinking by the Local Planning and Highway Authorities to rapidly put in place an effective transport strategy to deal with the high levels of growth, catch-up with 30 years of under-provision and reduce congestion, air pollution and carbon emissions?'

The Chairman responded to the question.

Mr Hughes asked the following supplementary question:

'Isn't the integrated transport study, which you referred to in your last Local Plan Review update, at a very early stage and doesn't this need to progress, particularly in the current context, much more quickly?'

The Chairman responded to the supplementary question.

The full responses were recorded on the webcast and were made available to view on the Maidstone Borough Council.

To access the webcast recording, please use the below link:
https://www.youtube.com/watch?v=nI1muW_650c

182. QUESTIONS FROM MEMBERS TO THE CHAIRMAN

There were no questions from Members to the Chairman.

183. COMMITTEE WORK PROGRAMME

The additional 22 September 2020 meeting date was noted, with confirmation provided that an adjourned meeting date of 23 September 2020 had been scheduled by Officers.

RESOLVED: That the Committee Work Programme be noted.

184. REPORTS OF OUTSIDE BODIES

Councillor Garten presented his report as the Council's representative on the Kent Downs AONB Joint Advisory Committee.

RESOLVED: That the Reports of Outside Bodies be noted.

185. MAIDSTONE LOCAL PLAN REVIEW UPDATE AND THE HOUSING LAND SUPPLY POSITION 2020

The Principal Planning Officer introduced the report that outlined the proposed changes to the Planning system, which included a change to the standard methodology that was used to calculate the minimum housing requirement that any Local Plan must make provision for. This was a nationally set formula, with the proposals in the process of a public consultation process.

The Interim Local Review Director and Strategic Planning Manager provided an urgent update through a presentation to the Committee. Both officers emphasised that none of the options presented were without risks and would be subject to change dependent on the publication date of the new standard methodology.

The Strategic Planning Manager explained that two interim measures had been proposed by the government that would allow a Local Authority to maintain their existing housing figures; that the Regulation 19 Draft Local Plan Review (LPR) consultation commenced within three months of the standard methodology's implementation and that the submission of the Local Plan commenced within nine months of its implementation. The standard methodology would be implemented at an unknown point between 30 November 2020 and 30 April 2021 and the Strategic Planning Manager explained the timescale for the interim measures based on each month.

The current Local Development Scheme timescale was outlined, whereby the Regulation 18b(i) consultation on the spatial preferred approaches would occur in October 2020, the Regulation 18b(ii) consultation on the non-spatial approaches would occur in February 2021 and the Regulation 19 consultation would occur in December 2021. The plan would be examined between June and July 2022 and adopted in October 2022. It was noted that resources had recently been directed to understanding and responding to the proposed government planning reforms, with the October 2022 adoption date likely to be delayed as a result. Four options were then outlined with specific reference to the projected timescales of each option.

Option One – To continue with the current work schedule and adapt to the potential 1,569 per annum figure. The significance of the increased figure on the current evidence base and potential spatial strategy, would mean that a new Regulation 18 consultation would likely be required. This would

take place in December 2021, with the necessary stages completed for the adoption of the plan in October 2023.

Option Two – A Slim-lined and consolidated version of the Regulation 18b consultation which would occur in December 2020, with an early Regulation 19 consultation to take place in June 2021. If the standard methodology was not released until March 2021, this option would allow the Council to respond to the proposed interim arrangements. The necessary stages would be completed for adoption of the plan in October 2022.

Option Three – That an early Regulation 19 consultation is undertaken in June 2021, with the necessary stages completed for adoption of the plan in October 2022. This would allow for further evidence collection, as the Regulation 18b consultation on the preferred approaches would not occur.

Option Four – That an earlier Regulation 19 consultation process is undertaken with two different timelines outlined:

- If the consultation began in February 2021, adoption would occur in August 2022. If the updated standard methodology was released between November – December 2020, the Council would be able to meet the interim arrangements.
- If the consultation began in May 2021, adoption would occur in August 2022. This would allow the Council to meet the interim arrangements if the updated standard methodology was released in January 2021. In this scenario, the pre-election restricted publicity period would have been considered.

The Committee were informed that the new standard methodology would likely result in a 5,325 unit increase between 2022-2037, based on an assumed increased figure of 1,569 from the current 1,214 annual figure used in the LPR. This figure was not definitive. The minimum housing figure that the Council had to fulfil was 883 per annum, with the projected increase amounting to 11,115 additional units over the period. If the figure was enforced, it was possible that a new Call for Sites process would have to be conducted and the revised Local Plan would have to be reconfigured.

The types of risk associated with the proposals included legal risk, financial and resource-based risk, meeting the tests of soundness, risks associated with the proposed timelines and political risks.

The legal risks concerned that proper evidence would need to be collated as part of the consultation process, otherwise upon consideration by the Inspector the plan may not be sound. The Council would be at risk of judicial review upon submission of the plan if the legal conditions had not been fulfilled. This included that a Sustainability Appraisal and Strategic Environmental Assessment must be performed.

The finance and resource-based risk included that if the timeframe for conducting the LPR was compressed then the internal and external resources required would not produce work of sufficient quality. It was noted that a sector-wide increase in demand could be caused as Local Authorities across England would be facing equal considerations.

Within the National Planning Policy Framework (NPPF) there were four tests of soundness that must be complied with; positively prepared, justified, effective, consistent with National Policy. Any deviation from compliance would be considered through public challenge during the examination process or through consideration by the Inspector at submission.

A summary table of the Local Plan Review tasks was presented, with the timescales of completion shown against three stages; the pre-writing of policies which took place through evidence collection, policy drafting and post-policy drafting. The Committee were reminded that the 1569 consultation figure and interim arrangements proposed were not definitive and that if the updated standard methodology was released in early 2021, any actions taken would need to be considered alongside the pre-election restricted publicity period.

Political risk was associated with all of the options presented and included failure to agree a spatial strategy by Autumn 2020 for the Regulation 19 consultation to take place in June 2021, failure to agree the required change in the Statement of Community Involvement (SCI), to allow a streamlined Regulation 18b consultation and a change in elected Members from the May 2021 elections. The reputational risk to the Council if the increasing housing target had to be accepted was highlighted.

The Strategic Planning Manager then highlighted the risks by category; early, 2021 and 2022/23.

The four options presented were again summarised with the risks pertinent to each scenario further emphasised to the Committee. Option One had the lowest risk but was not without risk, as there could be a period of a year whereby the Council would not have a Local Plan. Option Two would allow for the 1,214 figure to be maintained, however the 1,569 figure was more likely than in option three. Option Three was associated with the risk of failing to meet the tests of soundness, but the 1,214 would be achievable if the new standard methodology was released before March 2021 and failure throughout the process was avoided. Option Four was at high risk of failing to meet the test of soundness.

The Principal Planning Officer introduced the Housing Land Supply Position 2020 report. The Council had recorded 1304 completed dwellings between 1 April 2019 – 31 March 2020, with the full list shown in Appendix 1 of the report. The Council was obligated to report the number of completions as a percentage against the three-year housing delivery requirement to the Ministry of Housing, Communities and Local Government (MHCLG). This year's performance totalled 141% which would be confirmed by the MHCLG in November 2020 and acted to provide protection against

government penalties associated with under-delivery and planning by appeal.

It was noted that each year the Council must identify specific deliverable sites to provide a minimum of five-years' worth of housing against the requirement as set out in the Local Plan. This figure may alter each year dependant on the level of undersupply and buffers applicable. This year's 5-year supply is 4814 units that included a shortfall of 170 units and a 5% buffer of 229 units, which was shown in Table 1.2 of the report. The sites identified provided for 6.1 years of supply, with all sites shown in Appendix 2 of the report.

Due to the Coronavirus pandemic and Brexit negotiations, delivery rates over the next 5-years had been reduced by 20%. The Council had maintained a strong position with regard to Housing Land Supply due to the adopted Local Plan.

The Head of Planning and Development highlighted that the 5-year housing delivery supply test may be removed as part of the governments 'Planning for the Future' White Paper, whilst the 3-year test would remain. The Strategic Planning Manager confirmed that if a new Local Plan was adopted, the new housing figure would be included each year within the 3-year test until the previous figure was absent from the calculations.

The options outlined were discussed at length. The importance of a robust evidence base was mentioned throughout, with the Head of Planning and Development having noted that the Inspector would undertake a rigorous analysis on the plan submitted which included the evidence base. Several Members expressed their preference to move straight to Regulation 19, in order that if the updated standard methodology was implemented earlier than expected, the Council would be able to maintain the 1,214 annual housing figure. However, it was felt that option two would enable a higher standard of evidence base than options three and four.

The Interim Local Plan Review Director confirmed that if the higher figure, which resulted from the updated standard methodology was implemented, that the Regulation 18b processes would have to be repeated.

RESOLVED: That

1. The information provided within the Housing Land Supply Position 2020 report be noted;
2. Officers be instructed to revise the Council's current Local Development Scheme (LDS) in a manner which achieves a Preferred Approaches Consultation (Under Regulation 18b) and a Publication Draft Regulation 19 Consultation on its current Local Plan Review by no later than June 2021 with the revised LDS to be brought to the meeting on the 22 September 2020 for consideration by the Committee;

3. In order to facilitate the Preferred Approaches Consultation (Under Regulation 18b), a revised Statement of Community Involvement be brought for consideration by the Committee, alongside the revised LDS with a reduced timescale for public consultation to enable the June 2021 timescale to be met; and
4. Officers be instructed to bring the consultation responses to current Government consultation around both the proposed changes to the planning system and the 'Planning For The Future' White Paper on behalf of the Council for consideration at the meeting of this Committee on 22 September 2020 for consideration.

Councillor Garten requested that his dissent with the resolution be noted.

186. LENHAM NEIGHBOURHOOD PLAN (REGULATION 17A)

The Planning Policy Officer introduced the report and informed the Committee of a typographical error, whereby recommendation two referred to point 1.8, rather than point 2.8 of the report. A minor modification to the plan, through the addition of an addendum was recommended to the Committee, as a result of a Natural England Advice Note published in July 2020. The proposed addendum was shown in point 2.8 of the report.

The Planning Policy Officer highlighted that a post-examination neighbourhood plan would hold significant material consideration, significant weight would follow a decision to proceed to referendum, with full weight given following a successful referendum. In line with government guidance, no referendums would take place until 6 May 2020.

RESOLVED: That

1. The modifications to the Lenham Neighbourhood Development Plan as set out in the examiner's report be agreed;
2. The minor amendments agreed with Lenham Parish Council, as set out in paragraph 2.8 of the report, be agreed; and
3. The Lenham Neighbourhood Development Plan proceed to local referendum be agreed.

187. BOUGHTON MONCHELSEA NEIGHBOURHOOD PLAN REGULATION 16

The Strategic Planning Manager introduced the report and highlighted that Boughton Monchelsea had been designated as a neighbourhood area since 29 October 2012. A six-week public consultation on the pre-submission neighbourhood plan had occurred in the Spring of 2019, with an additional six-week consultation on the submission plan ongoing. The Council were responsible for facilitating the public consultation process and had also submitted a representation to the consultation. This was shown in Appendix 1 to the report. The neighbourhood plan would be considered by

an independent examiner, against the legislative conditions, as shown in point 2.7 of the report.

The Strategic Planning Manager informed the Committee that the Council had provided advice to Boughton Monchelsea Parish Council on several occasions. Several minor amendments and one substantive amendment, with regard to affordable housing, had been suggested.

RESOLVED: That

1. The Boughton Monchelsea Neighbourhood Plan, subject to the resolution of matters raised in the Council's representation (shown in Appendix 1 to the report), be agreed; and
2. The Council's representation in response to the Regulation 16 consultation on the Boughton Monchelsea Neighbourhood Plan, attached (shown in Appendix 1 to the report) be agreed.

188. KENT DOWNS DRAFT AONB MANAGEMENT PLAN CONSULTATION

The Heritage, Landscape and Design Team Leader introduced the report and informed the Committee of the Council's duty to act jointly in the preparation, review and adoption of the management plan. It was noted that the consultation deadline had been extended to enable the Council to submit a full response and that all Local Authority's had to adopt the same plan.

The Committee were informed that the final management plan would be produced by November 2020 and adopted by March 2021. The draft management plan had been considered acceptable in principle, with minor amendments shown in Appendix 1 to the report. This included the possible relegation in the plan, importance of communities that live and work within Areas of Outstanding Natural Beauty (AONB), the balance needed between the enhancement of an AONB and the economic and social wellbeing of communities.

During the debate, the Committee discussed the amendments to the consultation response as shown in Appendix 1 to the report. In response to questions, the Heritage, Landscape and Design Team Leader confirmed that there was still an opportunity to extend the Kent Downs AONB, through the addition of the Greensand Ridge as an AONB. A comment would be included within the Council's consultation response to reflect the continued commitment to the action.

RESOLVED: That

1. The Kent Downs AONB Management Plan 2020-2025, be generally supported, subject to the resolution of the matters raised in the Council's consultation response attached at Appendix 1; and
2. The Council's consultation response on the draft Kent Downs AONB Management Plan, subject to the further amendment based upon

the Committee's comments and specifically the removal of Clauses 13a and 58a, attached at Appendix 1, be agreed.

189. CONSERVATION AREAS WORK PROGRAMME UPDATE

The Principal Conservation Officer introduced the report which highlighted the work that had been completed and noted that the Conservation Areas Work Programme was agreed by the Committee in September 2019. This included the Boughton Monchelsea Conservation Areas boundaries, draft appraisal and management plan reports for Maidstone Centre, Maidstone Ashford Road, Maidstone Chillington House and Sutton Valence Conservation Areas.

The Principal Conversation Officer referenced the Business Rates Retention Scheme that had provided the necessary resources to complete the work undertaken. The funding would cease in March 2021, after which the work programme would be reviewed. The draft reports would be subject to a 10-week consultation process, to be adopted under delegated powers in December 2020.

The Committee felt that alternative methods of funding to enable the work undertaken to continue should be assessed. Specific reference was made to the importance of Conservation Areas in Planning matters and in aiding Parish Councils. It was requested that an item be added to the Committee Work Programme, in order that a report to examine alternative funding opportunities could be presented to the Committee.

RESOLVED: That the contents of the report be noted.

190. REFERENCE FROM THE BIODIVERSITY AND CLIMATE CHANGE WORKING GROUP - ENGLAND TREE STRATEGY CONSULTATION RESPONSE

The Democratic and Electoral Services Manager introduced the Reference that had been drafted by the Council's Biodiversity and Climate Change Working Group in response to the ongoing consultation on the England Tree Strategy. The response was likely to carry more weight upon submission if supported by the Committee and was shown in Appendix 1 to the report.

The Committee were informed that the Reference had been presented to the Communities, Housing and Environment Committee on 25 August 2020, whereby an additional point had been included in the submission that concerned Planning enforcement powers to protect existing woodland and that legal loopholes be closed.

RESOLVED: That the Consultation response to the England Tree Strategy Consultation as shown at Appendix 1 to the report, with the additional point as raised by the Communities, Housing and Environment Committee, be agreed.

191. DURATION OF MEETING

6.30 p.m. to 9.45 p.m.