

MAIDSTONE BOROUGH COUNCIL

STRATEGIC PLANNING AND INFRASTRUCTURE COMMITTEE

MINUTES OF THE MEETING HELD ON MONDAY 9 NOVEMBER 2020

Present: Councillors D Burton (Chairman), Clark, English, Garten, Mrs Gooch, Mrs Grigg, McKay, Parfitt-Reid and Spooner

Also Present: Councillors Cox, Kimmance, Naghi, Newton, Perry, Powell, Purle, Round, J Sams, T Sams, Springett, Webb and de Wiggondene-Sheppard

229. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Munford.

230. NOTIFICATION OF SUBSTITUTE MEMBERS

Councillor Gooch was present as Substitute for Councillor Munford.

231. URGENT ITEMS

There were two urgent items that were published, Item 15a – Urgent Update – Item 15 Amendments and Item 16 – Urgent Update to Item 15 – Appendix 2: Sustainability Appraisal of Spatial Approaches.

These items would be taken with Item 15 – Maidstone Local Plan Review Regulation 18 Preferred Approaches Consultation Document.

232. NOTIFICATION OF VISITING MEMBERS

Councillors Cox, Naghi, Newton and Webb were present as Visiting Members for all items.

Councillors Brice, Kimmance, Perry, Powell, Purle, Round, J and T Sams, Springett and de Wiggondene-Sheppard were present as Visiting Members for Item 15 – Maidstone Local Plan Review Preferred Approaches Public Consultation Document.

233. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

234. DISCLOSURES OF LOBBYING

Councillors English, Garten and Gooch had been lobbied on Item 14 – Otham Parish Neighbourhood Plan Regulation 16 and Item 15 – Maidstone

Local Plan Review Regulation 18 Preferred Approaches Public Consultation Document.

Councillors D Burton, Clark, Mrs Grigg, McKay, Parfitt-Reid and Spooner had been lobbied on Item 15 – Maidstone Local Plan Review Regulation 18 Preferred Approaches Public Consultation Document.

235. EXEMPT ITEMS

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

236. MINUTES OF THE MEETING HELD ON 7 OCTOBER 2020

RESOLVED: That the Minutes of the meeting held on 7 October 2020 be approved as a correct record and signed.

237. PRESENTATION OF PETITIONS

There were no petitions.

238. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were eleven questions from Members of the Public.

Question from Ms Gail Duff to the Chairman of the Strategic Planning and Infrastructure Committee

'The Council's guidance for making a submission to the Call for Sites last year explicitly states: "It is important that the submission includes confirmation from the landowner (or the person in legal control of the site) that the site will be available for the development being proposed." Please confirm how many of the call for sites submissions, that you are actively considering as part of your emerging spatial strategy, do not have landowner agreement to develop, and which therefore pose significant risk to the deliverability of your new Local Plan?'

The Chairman responded to the question.

Ms Duff asked the following supplementary question:

'Certain land-owners within site 289, have expressly stated that they do not give you permission to use their land in this garden community proposal. Do you agree that this site should therefore be removed as a potential development site in order to avoid risking the whole local plan and failing at public examination stage?'

The Chairman responded to the supplementary question.

Question from Ms Kate Hammond to the Chairman of the Strategic Planning and Infrastructure Committee

'The option to provide a Garden Village at Pagehurst Farm and North of Staplehurst was ruled out by Stantec in a report produced by MBC in April 2020 (para 10.2.7) on the basis:

"We cannot see this area being attractive to the scale of employment on site or scope of sustainable access to offsite employment" Stantec acknowledged that a similar concern applies to Heathlands but refer to the scope for a new motorway junction or access to the existing rail lines by way of mitigation. Both of these infrastructure elements will be impossible to deliver within the timeframe and scale of development currently envisaged for Lenham Heath Garden Community. Why is Heathlands still being actively considered as a potential site for this Local Plan?'

The Chairman responded to the question.

Question from Mr Darren Hammond to the Chairman of the Strategic Planning and Infrastructure Committee

'The Council's appointed consultants, Stantec are raising concerns about the Heathlands proposal along with Save Our Heath Lands Action Group who have raised significant issues and evidence, so has borough councillors, local Parish Councils, MP's and KCC. The promoter's (your own council) response is that it is an iterative process and they will be resolved later. Many of the issues are not resolvable as the site and location is fundamentally flawed. Do you agree with us and your own consultants that Heathlands is not sustainable, deliverable, or viable?'

The Chairman responded to the question.

Question from Mr Steve Heeley to the Chairman of the Strategic Planning and Infrastructure Committee

'The Stantec assessment of the Heathlands garden community proposition states 'the promoter's [financial] assessment is only just viable at 3,000 units and still very marginal at 4,000 units. Progressing on an assessment showing little contingency is risky'. Members know as well as us that officers have used extremely conservative costings to keep the scheme looking viable on paper at this stage and the costs will increase exponentially as the Stantec report warns. Does this Committee plan to take such high levels of risk on its next Local Plan?'

The Chairman responded to the question.

Mr Heeley asked the following supplementary question:

'Do you believe those costings?'

The Chairman responded to the supplementary question.

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

'Where conflicts arise between those sites to be taken further for the Local Plan Review and Neighbourhood Plans that are adopted or well-advanced, which will take precedence?'

The Chairman responded to the question.

Mr Hughes asked the following supplementary question:

'Do you not agree that there is a need for some certainty on the part of neighbourhood plans so that local communities can rely on their neighbourhood plans, otherwise the whole process and therefore local democracy is undermined?'

The Chairman responded to the supplementary question.

Question from Mr Gary Thomas to the Chairman of the Strategic Planning and Infrastructure Committee

'Edition 283 of Downsmail suggests that MBC is secretly planning to provide for 10,000 jobs in the Lenham area to satisfy one of Highways England's criteria for a new motorway junction. If that is an underlying objective, how can we be reassured that such jobs will benefit the population of our Borough, rather than nearby Authorities, such as Ashford?'

The Chairman responded to the question.

Mr Thomas asked the following supplementary question:

'If you were able or on track to attract up to 10k jobs to this particular part of Maidstone borough, would you, under the duty to co-operate work with Ashford borough council, to trade some of this employment capacity in exchange for them taking some of our housing requirement?'

The Chairman responded to the supplementary question.

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

'You may be aware that Tonbridge & Malling have received a letter from their Examining Inspectors expressing "...some serious concerns in relation to legal compliance ..." and cancelling imminent hearing sessions. Given MBC's approach to arriving at Regulation 19 via an 18b with three weeks formal consultation and its track record on performance of any meaningful Duty to Cooperate, what concerns have you that MBC may receive a similar letter after submission of its Regulation 19 material?'

The Chairman responded to the question.

Mr Coulling asked the following supplementary question:

'Does that mean you are genuinely confident that officers are diligently engaged in the duty to cooperate that will be truly evidenced, somewhat more convincingly than that leading up to the current adopted local plan?'

The Chairman responded to the supplementary question.

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

'Will the DPD relating to Gypsy & Traveller sites, having applied the same sustainability criteria applicable to housing, declare which sites are selected in time for a public consultation period to match that applied to housing before Regulation 19 documents are finalised and released, even if COVID-19 restrictions still apply?'

The Chairman responded to the question.

Mr Titchener asked the following supplementary question:

'Assuming that the Gypsy and Traveller sites are subject to the same stringent sustainability criteria, as applied to red and green housing sites, if they are not included in time, will that not be grounds to find the Regulation 19 submission unsound because you won't be following your own rules?'

The Chairman responded to the supplementary question.

Question from Ms Cheryl Taylor-Maggio to the Chairman of the Strategic Planning and Infrastructure Committee

'Sites submitted as part of last year's Call for Sites have been designated Green or Red. Subject to any adjustments by SPI at this or its next meeting, can you assure us that all Red sites will be removed from any further consideration as contributors to housing requirement for this Local Plan Review?'

The Chairman responded to the question.

Ms Taylor-Maggio asked the following supplementary question:

'Surely you only need to keep a few sites in reserve to fill any shortfall that might emerge, so what is the basic reason that at least the majority of red sites cannot be stood down now?'

The Chairman responded to the supplementary question.

Question from Ms Sharen Cain to the Chairman of the Strategic Planning and Infrastructure Committee

'The Review proposes 5883 additional dwellings. Research commissioned on behalf of SOHL indicates the Borough Council significantly underestimates the supply arising from windfall sites based on the track record of previously unidentified sites. Based on these estimates will the Borough Council reduce the requirement to 4883 additional dwellings and delete Heathlands as a consequence?'

The Chairman responded to the question.

Ms Cain asked the following supplementary question:

'Does that mean you have taken into account windfall sites?'

The Chairman responded to the supplementary question.

Question from Mr Chris Hawkins to the Chairman of the Strategic Planning and Infrastructure Committee

'Members attention has been drawn to the serious flaws with the 2020 assessment of the residual amount of homes required for Maidstone and the raft of concerns raised by the public and the Council's consultants Stantec regarding the deliverability and viability of Heathlands Garden Community as highlighted in DHA's letter of the 2nd November 2020. Given that these are serious issues risk the 'soundness' and legal compliance of the Local Plan, will the SPI Committee debate these issues individually and ensure they are satisfied within that these issues are addressed ahead of making any recommendations on the spatial distribution of new homes?'

The Chairman responded to the question.

Mr Hawkins asked the following supplementary question:

'Members have been presented with a detailed draft Sustainability Appraisal which scores Heathlands Garden Community as the least Sustainable Option of the three Garden Community sites being considered and with little justification for its inclusion. In addition, no evidence has been presented to Members that the serious concerns raised about Heathlands in the Stantec Report can be addressed. Is the Chair satisfied that the evidence before you tonight is sufficient for Members to make fully informed decisions on issues that will be shape the borough over the next 15 years?'

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 website.

To access the webcast recording, please use the link below:
<https://www.youtube.com/watch?v=Qv6JJshF2N8>

239. QUESTIONS FROM MEMBERS TO THE CHAIRMAN

There were no questions from Members to the Chairman.

240. COMMITTEE WORK PROGRAMME

RESOLVED: That the Committee Work Programme be noted.

241. REPORTS OF OUTSIDE BODIES

There were no reports of Outside Bodies.

242. OTHAM PARISH NEIGHBOURHOOD PLAN REGULATION 16

The Planning Policy Officer introduced the report. The Otham Neighbourhood Plan was in general conformity with the strategic policies within the Council's adopted Local Plan (LP), except for policy AC1.

Policy AC1, criterion 2 sought to enforce restrictions on development beyond those within policies SP1 and SP17. Map 6.1, as shown in Appendix 1 to the report, displayed overlap with the LP housing site, H1(8), West of Church Road, Len Valley Landscape of local importance and proposed local green space designation within the Neighbourhood Plan. It was proposed that criterion 2 and Map 6.1 be deleted, alongside the other amendments shown within Appendix 1 to the report.

Consideration was given to the removal of the land of West Church Road in light of the ongoing public enquiry. The Strategic Planning Manager confirmed that removal of the reference would not negatively impact the Council's representation to the examiner.

RESOLVED: That

1. The Otham Parish Neighbourhood Plan be supported, subject to the resolution of matters raised in the Council's representation, as attached in Appendix 1 to the report; and
2. The Council's representation in response to Regulation 16 consultation on the Otham Parish Neighbourhood Plan, attached at Appendix 1 to the report, be approved.

243. MAIDSTONE LOCAL PLAN REVIEW REGULATION 18 PREFERRED APPROACHES PUBLIC CONSULTATION DOCUMENT AND ITEM 15 AMENDMENTS AND ITEM 15 - APPENDIX 2 - SUSTAINABILITY APPRAISAL OF SPATIAL APPROACHES

Prior to the report's introduction, several speakers addressed the Committee; Gail Duff, Save Our Heathlands Action Group; Claudine Russell Chair of the Marden Planning Opposition Group; and Chris

Hawkins, Countryside Planning; Councillor Tippen, Vice-Chairman of Marden Parish Council; Councillor Brown, Chairman of Yalding Parish Council; and Councillor Britt, Chairman of Lenham Parish Council.

The Interim Local Plan Review Director introduced the report. The Committee and full Council had agreed in September 2020, to an accelerated Local Development Scheme (LDS) timescale through a consolidated Regulation 18 consultation. The aim was to achieve Regulation 19 in June 2021 and submission of the plan in December 2021.

In relation to Garden Communities, the three proposed sites of Heathlands, Lidsing and North of Marden had undergone a second stage of assessment by Stantec, on the schemes' sustainability, deliverability and viability. All three were found to be acceptable in principle and it was highlighted that for projects of this scale, it is not uncommon for further work to be required at this stage of the Local Plan process. Heathlands and Lidsing had been included in the spatial strategy presented to the Committee. The development focus during the early years of the plan would be within the urban areas, town centre, larger villages and the rural areas to a smaller degree. The town centre had a separate planned development document that would focus on the provision of employment opportunities to maximise flexibility and choice to aid economic recovery.

The Highways Authority felt that the Leeds Langley corridor had not passed the cost-benefit tests as a lone infrastructure project. The Council would undertake further exercises with developers and Kent County Council to ascertain whether there was a level of development which could justify a suitable road alignment, with the necessary funding. This would take place in between Regulations 18 and 19.

The Strategic Planning Manager highlighted that the public consultation proposed would provide increased certainty to the public, consultees and key stakeholders on the preferred approaches and reasonable alternatives on matters considered within the Local Plan Review (LPR). The nine chapters within the Regulation 18 Preferred Approaches Public Consultation Document were outlined.

It was noted that the comments received on the evidence base would be considered. There was further work on the strategic land availability assessment (SLAA) that concerned sites submitted after the original call for sites deadline, and alternative sources of sites which would be published at the same time as the public consultation. The deadline for sites to be submitted to the final call for sites process would be 22 December 2020 and those submitted afterwards may not be assessed for the current LPR.

A sustainability appraisal had been undertaken on the reasonable alternative spatial approaches which included the green sites that were initially considered through the SLAA. It was confirmed that the appraisal process was subject to a separate legislative process than that of the LPR, with comments from statutory consultees as a minimum requirement. The consultation on this would occur at the same time as the Preferred

Approaches consultation, from the 1 December 2020 to 22 December 2020, with Parish Councils, infrastructure providers, statutory bodies and developers consulted.

The Committee expressed concern with some of the proposals within the document but acknowledged the speed within which it had been prepared. To avoid the process being delayed by not agreeing the document for consultation, several Members confirmed that they would make individual representations to the consultation. Following the consultation period, the document could be updated in line with the comments received.

In response to comments on the strength of non-spatial policies, the Head of Planning and Development confirmed that an up-to-date viability assessment was integral to progressing the evidence base and providing the increased strength desired.

RESOLVED: That

1. The Local Plan Review Preferred Approaches Document (Appendix 1 to the report) and Sustainability Appraisal of spatial approaches and sites (Appendix 2 to the report) be agreed for public consultation between the 1 December 2020 to the 22 December 2020; and
2. The Head of Planning and Development, in conjunction with the Chair and Vice-Chair of the Committee, be authorised to make subsequent minor amendments and factual alterations to the consultation document.

244. DURATION OF MEETING

6.30 p.m. to 9.15 p.m.