

MAIDSTONE BOROUGH COUNCIL

STRATEGIC PLANNING AND INFRASTRUCTURE COMMITTEE

MINUTES OF THE MEETING HELD ON TUESDAY 22 SEPTEMBER 2020

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

Also Present: Councillors Blackmore, Brindle, Mrs Gooch, Kimmance, Perry, J and T Sams

192. **APOLOGIES FOR ABSENCE**

There were no apologies for absence.

193. **NOTIFICATION OF SUBSTITUTE MEMBERS**

Councillor Perry was present as Substitute Member for Councillor Spooner until Councillor Spooner's arrival.

194. **URGENT ITEMS**

There were three urgent items which included a presentation to be given by the Head of Planning and Development under Item 14 – Council Response to the Government's Proposed Planning Reforms: 'Changes to the current planning system' and 'White Paper: Planning for the Future'.

Two urgent updates had been published prior to the meeting that included an urgent update to Items 15 - Local Development Scheme 2020-2022 (September 2020 edition) and Maidstone Statement Community Involvement, in the form of updated report recommendations, and Item 16 – Report on the Local Plan Review Evidence Base in the form of an updated Air quality Assessment Technical Note and Summary Conclusions Excerpt.

195. **NOTIFICATION OF VISITING MEMBERS**

Councillor Blackmore was present as a Visiting Member for Item 12 – Committee Work Programme.

Councillors Brindle, Perry and Kimmance were present as Visiting Members for Item 15 – Local Development Scheme 2020-2022 (September 2020 edition) and Maidstone Statement of Community Involvement September 2020.

Councillors Mrs Gooch, J Sams and T Sams were present as Visiting Members for Item 16 – Report on the Local Plan Review Evidence Base.

196. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

197. DISCLOSURES OF LOBBYING

All Members were lobbied on all items that related to the Local Plan Review.

198. EXEMPT ITEMS

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

199. MINUTES OF THE MEETING HELD ON 8 SEPTEMBER 2020

RESOLVED: That the Minutes of the meeting held on 8 September 2020 be approved as a correct record and signed at a later date.

200. PRESENTATION OF PETITIONS

There were no petitions.

201. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were nine questions from members of the public.

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

'The recent Stantec report highlights many of the difficulties and challenges that remain unknown with regards to the 'Heathlands' proposal. With particular regards to controlling the planning process and the risks to local finances, could this committee confirm that it would not submit a scheme into the consultation process that was patently uneconomic and full of as yet unknown outcomes?'

The Chairman responded to the question.

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

'The stage 2 Stantec report for the Heathland's proposal critically appraises the travel to work patterns and assumptions that have been adopted. It states in this regard that 'we have concerns with this approach and consider that it gives a misleading 'picture' of travel to work patterns in the immediate Heathlands area.' Given the complexity of the scheme, the number of unknowns and the many instances where Stantec report that they have not received any information, can this committee be certain that it has the full picture, that nothing is being held back, and it be confident that it is able to make a fully informed and balanced decision?'

The Chairman responded to the question.

Question from Ms Claudine Russell to the Chairman of the Strategic Planning and Infrastructure Committee

'Having waded through the evidence pack for this meeting I would just like to highlight a glaring omission in the "factual evidence". Within the Marden garden community proposal, a WW2 gas pipeline PLUTO is mentioned. This is an old oil pipeline and was decommissioned after the war. There is however no mention anywhere of the high pressure 4ft diameter Transco gas pipeline that runs through the site, other than on page 51 of our Marden Planning Opposition Groups Technical Report from May 2019. The route is not the same and the Transco pipeline is high pressure and a storage pipeline and would seem to cut across one of the areas marked as housing. As this pipeline will have an impact on the proposed area for housing, why has this not been highlighted or even mentioned in the evidence pack by Stantec?'

The Chairman responded to the question.

Question from Ms Theresa Gibson to the Chairman of the Strategic Planning and Infrastructure Committee

The Chairman read out the question on behalf of Ms Gibson.

'I notice that on the Map of Marden in the Settlement Hierarchy Audit 2018 within your evidence pack, the housing development known as Highwood Green is again not shown. This seems to be a feature with the "factual evidence" that emanates from Maidstone Borough Council. I know that it exists as I live there, along with some nearly 300 other residents. I moved in in Aug 2016. Why does it never feature on your maps or within your numbers, as surely without it you are not looking at the true current factual picture of Marden village and its recent developments?'

The Chairman responded to the question.

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

'If the revised Housing Needs methodology comes into force before March next year, the proposed LDS will fail to forestall imposition of a much higher housing number; that is, the effort to forestall higher housing numbers will have failed. Especially as, perhaps surprisingly, it is reported in papers for this meeting that all documents required for the Evidence Base are already available (no doubt subject to refinement for as long as time permits) and while recognising attendant risks, would it not be prudent for this Committee to require Officers to be even more aggressive so as to establish an LDS with Regulation 19 consultation in March or April, rather than June?'

The Chairman responded to the question.

Mr Coulling asked the following supplementary question:

'May we ask you to encourage your Committee to reflect on last week's choice of Option Two, which is the worst of all worlds, it's accelerating but not enough. Please stress to the Committee that if they want to avoid the higher number, they need a further truncation of the plan, recognising those risks and holding open the opportunity of subsequently revising the Local Development Scheme if regulations permit?'

The Chairman responded to the question.

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

'In view of the need for an earlier Regulation 19, but also the need for a proper long-term effective land use and transport/infrastructure strategy rather than a continuation of piecemeal allocations with mitigation, will this Committee request Political Group Leaders to agree interim decision processes, if necessary during purdah, rather than causing delay and risking the imposition of even higher housing numbers?'

The Chairman responded to the question.

Mr Hughes asked the following supplementary question:

'Is it not the case, given that response, that the Strategic Planning and Infrastructure Committee now need to ask officers, in co-operation with infrastructure providers to quickly work out practical, long-term land and infrastructure strategies, based on the extensive and recently updated Local Plan Review Evidence based for consideration by Members?'

The Chairman responded to the question.

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

'The proposed response to Government consultation to be presented at Item 14 of the agenda is not very robust and compelling when commenting on the proposed new algorithm to calculate a mandated Housing Needs figure. Given the deadline of 1st October for response, will you ask this Committee to agree that Officers should be instructed urgently to place more effort and creativity into robust answers to, at least, Questions 1 to 5 and to offer those to SPI members for urgent comment?'

The Chairman responded to the question.

Mr Titchener asked the following supplementary question:

'Can we be confident that officers will push hard to get government proposals amended for the benefit of residents, including working with

KALC, Kent MP's and particularly Parish Councils, about the validity of existing and proposed neighbourhood plans, which now seem completely out of date?'

The Chairman responded to the question.

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

'The sites submitted as a result of the Call for Sites have been segmented into Green and Red, excluding candidate Garden Communities. What is the total housing potential across all Green sites?'

The Chairman responded to the question.

Ms Brown asked the following supplementary question:

'I was led to believe by officers that the figure was in the region of 11,529 and if that is the case, that would seem to be substantially more than is needed for the housing needs figure. There are still a number of sites that can be discarded for very serious reasons. Can you please tell me when those sites will be looked at again to see if they are able to be taken forward?'

The Chairman responded to the question.

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

The Democratic and Electoral Services Manager read out the question on behalf of Mr Horne.

'This evening's proposal has taken six months out of the LDS timeline, but it still looks somewhat leisurely. Regulations require 6 weeks consultation, not 3. Taking steps to mitigate recognised risks, is there no other way to shorten the timeline and, in fact, shorten it even further, while being prepared, if the threatened new algorithm is not confirmed or is delayed, to once again extend the LDS timeline and even its consultation processes?'

The Chairman responded to the 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=9JM5iEFy_tM

202. QUESTIONS FROM MEMBERS TO THE CHAIRMAN

There were no questions from Members to the Chairman.

203. COMMITTEE WORK PROGRAMME

It was noted that the 10 November 2020 meeting of the Committee had been moved forward to the 9 November 2020, in the event that an adjourned date was necessary. An additional meeting of the Committee had been scheduled for 18 November 2020.

A Member request was made to add a Revised Integrated Transport Strategy as an item on the Work Programme.

RESOLVED: That the Committee Work Programme be noted.

204. REPORTS OF OUTSIDE BODIES

There were no reports of Outside Bodies.

205. COUNCIL RESPONSE TO THE GOVERNMENT'S PROPOSED PLANNING REFORMS: 'CHANGES TO THE CURRENT PLANNING SYSTEM' AND 'WHITE PAPER: PLANNING FOR THE FUTURE'

The Head of Planning and Development provided a presentation to the Committee and noted that the 'Changes to the current planning system' consultation would close on 1 October 2020, whilst the 'White Paper: Planning for the Future' consultation would close on 29 October 2020. The draft responses for each consultation were shown in Appendices 1 and 2 of the report.

The 'Changes to the current planning system' consultation included four measures for implementation; a new standard methodology, that at least 25% first homes would be secured as affordable housing, an 18-month temporary increase in the small sites threshold from 10 to 40 or 50 and the extension of the current 'Permission in Principle' rule to major development. The new standard methodology would increase the government's housing target from 300k to 337k across England whilst the increase in the small sites threshold aimed to support Small-Medium Enterprises (SMEs) in recovering from the impacts of Covid-19.

With regard to the 'Planning for the Future: White Paper' consultation, the main five proposed changes were outlined.

The first was to streamline the planning process through increased democracy within the plan-making stage. This would occur through the categorisation of land into one of growth, renewal or protection areas, with allocation to growth areas having equated to an outline permission, with specific rule-based policies enforced within growth and renewal areas. General and strategic policies would be contained within the National Planning Policy Framework (NPPF) and digital engagement would be promoted. The duty to co-operate would be abolished, with the tests of soundness to be replaced with a single Sustainable Development Test. A time limit of 30 months would be enforced for the creation of Local Plans and the Reviews.

The second was to adopt a digital-first approach to modernise the planning process.

The third involved an increased focus on design and sustainability, of which proposals of 'beautiful design' would be fast-tracked. New energy efficiency standards would be set out within building regulations, and policies to achieve carbon neutral development would be outlined within the NPPF. The environmental assessments being conducted would be made simpler, with the responsibility to deliver within the design guidance placed with the planning authority.

The fourth proposal was that the Community Infrastructure Levy would be replaced by a Consolidated Infrastructure Levy (CIL) that included affordable housing, the removal of CIL exemptions and greater flexibility for Local Authorities in spending the monies.

The fifth would ensure that more land would be available for development, with housing requirements to be set nationally. Any Local Authority that failed to deliver the required housing figure would be faced with government penalties.

Reference was made to the financial and resources implications, increased centralisation, the lack of time for Local Authorities to respond, effect on house prices within Maidstone and the susceptibility of the amended CIL to fluctuations in house building.

The Committee expressed general support for the draft responses presented, with amendments suggested during the debate. There were concerns that the proposed increase to the small sites threshold would enable larger developers to submit more applications to negate the affordable housing contribution responsibility. Several Members expressed concern over the government's proposals, with reference made to the increased housing figure arising from the new standard methodology, the penalties for Local Authorities that failed to meet the housing requirements and loss of local control through centralisation.

During the debate, consideration was given to whether the response drafted by the Chair of the Council's Biodiversity and Climate Change Working Group (BDCCWG) should be considered by the Committee. It was felt that as the response had not yet been approved by the BDCCWG, it would not be appropriate for consideration within the draft responses shown at this time.

RESOLVED: That

1. Delegated authority be given to the Head of Planning to submit the responses as shown within Appendix 1 to the report, inclusive of the comments provided by the Committee, to the Ministry of Housing, Communities and Local Government with regard to the 'Changes to the current planning system consultation (2020)'; and

2. The draft responses to the 'White Paper: Planning for the Future' as shown within Appendix 2 to the report, be amended by the Head of Planning with consideration given to the Committee's comments, after which the responses would be brought back to the next meeting of the Committee, be agreed.

Note: During this item the Committee adjourned for a period of 13 minutes due to technical difficulties, from 7.57 p.m. to 8.10 p.m.

206. LOCAL DEVELOPMENT SCHEME 2020-2022 (SEPTEMBER 2020 EDITION) AND MAIDSTONE STATEMENT OF COMMUNITY INVOLVEMENT SEPTEMBER 2020

Prior to the introduction of the report Ms Claudine Russell addressed the Committee.

The Planning Policy Officer introduced the report and referenced the urgent update that had been published in relation to the item. The report resulted from the Committee's decision on the 8 September 2020 to update the Local Development Scheme (LDS) to include a streamlined Regulation 18b consultation to take place in December 2020 and a Regulation 19 consultation to take place no later than June 2021. The updated LDS was shown in Appendix 1 of the report. The Statement of Community Involvement (SCI) had to be updated to allow a reduced Regulation 18b consultation period and was shown in Appendix 2 of the report.

The Interim Local Plan Review Director reconfirmed that there was no definitive date for the new standard methodology's implementation and referenced the four options presented to Members at the previous meeting of the Committee.

The Committee discussed the option previously chosen with several Members having expressed a preference to move straight to Regulation 19. The risk and impact of the Local Plan being deemed unsound by the Inspector during the submission process was mentioned, with reference made to several other Local Authorities that had experienced failure during their Local Plan Review process. The Committee showed support for a consultation period longer than 3 weeks if possible.

RESOLVED: That

1. Full Council be recommended to approve the Local Development Scheme 2020-2022 (September 2020 edition);
2. Full Council be recommended to approve the Maidstone Statement of Community Involvement (September 2020);
 - a. The Statement of Community Involvement Covid-19 Temporary Addendum (May 2020) adopted by the Committee on 9 June 2020 forms an Addendum to the Statement of Community Involvement (September 2020), be agreed;

- b. The Head of Planning and Development be granted delegated powers to reverse the changes within the Maidstone Statement of Community Involvement Covid-19 Temporary Addendum (May 2020) adopted by the Committee on 9 June 2020 as soon as Covid-19 restrictions allow, and whilst this Addendum remains in place, the Council will endeavour to provide paper copies of consultation documents referred to in the Statement of Community Involvement (September 2020) to any resident when requested.
3. The Head of Planning and Development be given delegated powers to make minor editorial and presentational adjustments to the Local Development Scheme and Statement of Community Involvement prior to publication; and
4. As further details of the proposed changes to the planning system emerge, these will be reported to the Committee with any options/recommendations.

Councillor Garten requested that his vote against the first resolution be noted.

207. REPORT ON THE LOCAL PLAN REVIEW EVIDENCE BASE

Prior to the introduction of the report, Ms Claudine Russell addressed the Committee. The Democratic and Electoral Services Manager then read a statement on behalf of Ms Caroline Highwood.

The Principal Planning Officer introduced the report and drew the published urgent update and appendices to the Committees attention.

The Committee acknowledged that the report was for noting, but emphasised that they would contact officers with questions on the evidence base to aid their understanding now that the information had been published.

RESOLVED: That the contents of the report be noted.

208. DURATION OF MEETING

6.30 p.m. – 9.59 p.m.