

MAIDSTONE BOROUGH COUNCIL

**Strategic Planning, Sustainability and Transportation
Committee**

MINUTES OF THE MEETING HELD ON TUESDAY 13 JUNE 2017

Present: Councillor D Burton (Chairman) and Councillors Cox, English, Munford, Prendergast, Springett, de Wiggondene, Wilby and Willis

Also Present: Councillors Perry and Round

6. APOLOGIES FOR ABSENCE

There were no apologies.

7. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no substitutes.

8. URGENT ITEMS

The Chairman advised the Committee that there was an Amended Agenda which related to Item 20 – Housing Land Supply Update 1 April 2017.

9. NOTIFICATION OF VISITING MEMBERS

It was noted that Councillors Round and Perry were present as Visiting Members. Councillor Perry indicated that he wished to speak on Item 15 – Headcorn Neighbourhood Plan – Examiner’s Report and Recommendations.

10. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members and Officers.

11. DISCLOSURES OF LOBBYING

It was noted that all Members, apart from Councillor Willis, had been lobbied on Item 15.

12. EXEMPT ITEMS

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

13. MINUTES OF THE MEETING HELD ON 11 APRIL 2017

RESOLVED: That the minutes of the meeting held on 11 April 2017 be approved as a correct record and signed.

14. MINUTES OF THE MEETING HELD ON 23 MAY 2017

RESOLVED: That the minutes of the meeting held on 23 May 2017 be approved as a correct record and signed.

15. PRESENTATION OF PETITIONS (IF ANY)

There were no petitions.

16. QUESTIONS AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were no questions from members of the public. However, there were two representatives from Headcorn Parish Council who had requested to speak on Item 15 – Headcorn Neighbourhood Plan – Examiner’s Report and Recommendations.

17. OUTSIDE BODIES - MEMBER VERBAL UPDATES

The Committee noted the great success of the Second Annual Cycle Fest and thanked all the Members and Officers that had supported it.

The Chairman informed the Committee of the ongoing work of the Strategic Board, regarding Maidstone East.

18. COMMITTEE WORK PROGRAMME

It was noted that reports concerning the delivery of the Local Plan and its review would be added to the Committee Work Programme.

The Committee requested that reports would be added to the Committee Work Programme regarding: public realm, planning performance agreements, playing pitch strategy, parks and open spaces and general permitted development rights.

RESOLVED: That the Committee Work Programme be noted.

19. REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT:
NEIGHBOURHOOD PLANNING ACT 2017

The Planning Policy Manager presented this item to the Committee, which set out the provisions of the Neighbourhood Planning Act that had gained Royal Assent in April 2017.

The Committee noted that:

- Part 1 of the Act covered a range of planning matters, which included: neighbourhood planning, local development documents, planning conditions, permitted development rights which related to drinking establishments, the developments of New Towns by Local Planning Authorities and the register of planning applications.

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- Part 2 of the Act related to changes to compulsory purchase powers.
- Several of the Act's provisions had already been implemented, but others would require secondary legislation.

RESOLVED: That the Committee noted the provisions in the Neighbourhood Planning Act.

20. REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT: HEADCORN NEIGHBOURHOOD PLAN - EXAMINER'S REPORT AND RECOMMENDATIONS

The Project Manager – Local Plan (Spatial Policy) presented this item to the Committee.

Dr Rebecca Driver, Councillor Bridget Dungey of Headcorn Parish Council and Councillor John Perry, present as a Visiting Member, addressed the Committee on this item.

The Project Manager – Local Plan (Spatial Policy) advised the Committee that the item had originally been scheduled for the Strategic Planning, Sustainability and Transportation Committee in April 2017 and that it had been deferred following late receipt of a letter from legal advisors to Headcorn Parish Council. The Committee were informed that:

- The Council had met with Headcorn Parish Council on numerous occasions since the application for formal designation of a Neighbourhood Area was made on 3 December 2012.
- The independent examiner was testing the submitted Neighbourhood Development Plan against the Basic Conditions tests rather than considering its 'soundness' or examining other material considerations.
- Any modifications made to the Headcorn Neighbourhood Plan would be too great and that the direction of the plan did not meet the basic conditions, set out in Paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended) [excluding 2b, c, 3 to 5 as required by 38C (5) of the Planning and Compulsory Purchase Act 2004 (as amended)].
- There was strong support for Headcorn Parish Council from its parishioners.

The Committee adjourned at 19:11 for ten minutes to enable the Members to read the legal advice.

It was noted that the Committee were keen for officers to continue working with Headcorn Parish Council in order to move forward and reach a solution that worked for all parties. The Committee acknowledged the huge amount of effort that had been put in by Headcorn Parish Council.

In response to a question the Officer confirmed that the Headcorn Neighbourhood Plan would carry significant weight if it went to a referendum, which would put the Council in a difficult position and could result in a legal challenge to such a decision from other representors.

Councillor Willis arrived at 18:49, during consideration of this item.

RESOLVED: That the Committee agreed not to move the plan to referendum. However, officers were instructed, in collaboration with the Chairman, Vice Chairman and Ward Members, to continue to work with Headcorn Parish Council to find a way forward with the neighbourhood plan and that further updates on progress be reported back to this Committee.

Voting: unanimous

21. REPORT OF THE DIRECTOR OF FINANCE AND BUSINESS IMPROVEMENT:
FOURTH QUARTER BUDGET MONITORING

The Director of Finance and Business Improvement presented a report on the fourth quarter budget monitoring.

The Committee noted that:

- There was an overall underspend for services within the Committee's remit of £246,631.
- Parking services had achieved a favourable variance across all areas, other than Mote Park Pay and Display Car Park which had a £64,711 shortfall.
- The significant overspend of £249,381 on Development Management was due to additional staffing costs, which was primarily in the first six months of the last municipal year. The situation had now been broadly brought back under control.
- The planning appeals budget of £119,000 for 2017/18 was unlikely to be sufficient.
- The previous government signalled that it would allow authorities to increase planning fees by 20%, which for the Council would mean an extra £120,000 of income for 2017/18. This would have helped to offset financial pressures. Unfortunately, the legislation which would have allowed the Council to implement these planning fee increases was not enacted before the General Election and it was unlikely that this would occur before the autumn.

The Committee raised concerns that:

- There could be a future loss of income due to development needs, which could result in the loss of income from some of the Council's car parks.

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- The significant loss of income from not being able to claim the increased planning fees promised in the Housing White Paper and the expected overspend on planning appeals could mean a substantial adverse variance in the outturn for this Committee. Therefore, the Committee requested that officers update them at the earliest opportunity with the revised 2017/18 figures.

RESOLVED: That the Committee noted the financial position for services within its remit at the end of the fourth quarter.

22. REPORT OF THE HEAD OF POLICY, COMMUNICATIONS AND GOVERNANCE: STRATEGIC PLAN PERFORMANCE UPDATE QUARTER 4 FOR 2016/17

The Policy and Information Manager presented this item and informed the Committee that all three Key Performance Indicators were green for Quarter 4 for 2016/17 and performance had improved compared with the same quarter last year.

RESOLVED:

1. That the summary of performance of Key Performance Indicators and corporate strategies and plans for Quarter 4 of 2016/17 be noted.
2. That no action needs to be taken nor amendments made to the Quarter 4 report.
3. That Appendix II, the Quarter 4 Strategic Plan Action Plan Update, be noted.

Voting: unanimous

23. REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT: TUNBRIDGE WELLS LOCAL PLAN 2033: ISSUES & OPTIONS CONSULTATION

The Principal Planning Officer (Spatial Policy) presented this item to the Committee. It was noted that:

- The Tunbridge Wells Local Plan was still at an early stage in the preparation process and their evidence base was not yet complete.
- Tunbridge Wells had set out 5 potential strategic options for how development could be distributed across the borough, although they had not specified a preference yet.
- The document (as set out in Appendix B) seemed to suggest that Tunbridge Wells Borough Council could face difficulty in meeting their development needs.
- The proposed officer level response (as set out in Appendix A) had stated that the Council believed that it was not sufficient for

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Tunbridge Wells Borough Council to state that the Plan would meet their local needs.

- The Plan's objective should have been to meet all of the borough's development needs in full, which was in line with the National Planning Policy Framework.

It was noted that the Committee were concerned about the current transport links between Maidstone and Tunbridge Wells and that this would need to be considered and addressed by Tunbridge Wells Borough Council.

RESOLVED: That the Committee approved the response to Tunbridge Wells Borough Local Plan Issues and Options Consultation set out in Appendix A.

Voting: unanimous

24. REPORT OF THE HEAD OF HOUSING AND COMMUNITY SERVICES:
REVIEW OF AIR QUALITY MANAGEMENT AREA AND LOW EMISSIONS
STRATEGY

The Mid-Kent Environmental Protection Team Leader presented this item to the Committee. The Committee noted that:

- The development of a Low Emissions Strategy had been proposed in response to high levels of air pollution in specific parts of Maidstone.
- The revised action plan (as set out in Appendix I) had been developed through a series of workshops with specialists, Councillors and officers.
- The review of the action plan had prompted an assessment of the current Maidstone Air Quality Management Area (AQMA), which had been in place since 2008.
- The AQMA had been redefined to the footprint of the area where air quality is genuinely poor and exceedances of national objectives had been recorded (as shown in Appendix II), so that the Council would be able to target actions in the worst areas.
- This revision would remove the unnecessary costs of carrying out air quality assessments on small developments where the modelling showed that the air quality was not bad.
- The consultation would continue until September and would include consulting with parishes and Councillors individually, as well as special interest groups, identified external stakeholders, statutory consultees and the wider public.
- A report would then be brought back to this Committee.

In response to a question from the Committee about using retrofit technology on buses, the Mid-Kent Environmental Protection Team Leader confirmed that the Council had commitment from Kent County Council for four retrofit buses and that Nu-Venture had already bought two buses that had since been retrofitted.

The Committee identified some amendments to the action plan, which the Officer noted.

RESOLVED:

1. That the proposed Low Emissions Strategy attached as Appendix I be approved for public consultation, subject to the officer modifying Appendix I as discussed.
2. That the associated Action Plan be approved for public consultation.
3. That the proposed revision to the Air Quality Management Area included in the report detailed in Appendix II be approved for consultation with prescribed consultees and the public.

Voting: unanimous

25. **REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT: HOUSING LAND SUPPLY UPDATE 1 APRIL 2017**

The Planning Officer (Spatial Policy) updated the Committee on housing land supply.

The Committee noted that the Council had made good progress in meeting this housing supply and that it was considerably improved from the previous monitoring year.

The Committee raised concerns about over delivery of houses in the Borough.

RESOLVED: That the contents of the report be noted.

26. **DURATION OF MEETING**

6.30 p.m. to 9.12 p.m.