

MAIDSTONE BOROUGH COUNCIL

STRATEGIC PLANNING AND INFRASTRUCTURE COMMITTEE

MINUTES OF THE MEETING HELD ON TUESDAY 9 FEBRUARY 2021

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

Also Present: Councillor Naghi

304. APOLOGIES FOR ABSENCE

There were no apologies for absence.

305. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

306. URGENT ITEMS

There were no urgent items.

307. NOTIFICATION OF VISITING MEMBERS

Councillor Naghi was present as a Visiting Member for Item 14 – Discounted Battery Electric Vehicle Parking, Item 15 – Virtual Permit Management in Maidstone and Item 19 – Local Plan Review Update.

308. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

309. DISCLOSURES OF LOBBYING

Councillors D Burton, Clark, Garten, Mrs Grigg, Munford, Parfitt-Reid and Spooner had been lobbied on Item 19 – Local Plan Review Update.

Councillor Munford had been lobbied on Item 18 – Boughton Monchelsea Neighbourhood Plan (Regulation 17A).

310. EXEMPT ITEMS

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

311. MINUTES OF THE MEETING HELD ON 12 JANUARY 2021

RESOLVED: That the Minutes of the meeting held on 12 January 2021 be approved as a correct record and signed at a later date, subject to the following amendment to the third resolution, to read:

'That a basic record of the meeting would be published on the Council's Website'

A fifth resolution would be added, to read:

'The protocol be re-presented to the Committee, to include the changes requested, for ratification'.

312. PRESENTATION OF PETITIONS

There were no petitions.

313. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were eight questions from Members of the Public.

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

'At the 9 November 2020 SPI meeting, in response to our question about whether sites included in your Local Plan Review Preferred Approaches had permission from landowners affected, you said:

"on the forms that were required to be submitted with site proposals, promoters were asked to confirm that the submission included confirmation from the landowner or the person in legal control of the site that the site will be available for development being proposed. I am not aware of any that do not meet these criteria."

Site 289 Heathlands Garden Community does not meet the criteria as a large majority of the landowners were not aware of the submission nor did they give their permission for their land to be developed on as set out in the promoter's masterplan. Do you wish to place on record that the officer advice you received to our question in November was factually incorrect?'

The Chairman responded to the question.

Ms Hammond asked the following supplementary question:

'Are you content for a site without landowner's permission being submitted to the planning inspector later this year as part of your proposed new local plan?'

The Chairman responded to the supplementary question.

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

'Many small sites will not have come forward as part of the Call for Sites. Why are no small-site windfalls allowed for during the first three years of the Local Plan Review Period, which, at historic rates, would amount to just under 350 dwellings?'

The Chairman responded to the question.

Mr Hughes asked the following supplementary question:

'Is it not that case that the windfalls in the future including the first three years of the local plan review period are likely to be even greater than in the past, particularly after recent major changes in 2020 to permitted development rights to allow upward residential extensions by two stories and to allow changes of use from commercial business and service uses to residential uses to be brought in by the Government later this year, specifically to increase housing delivery after the pandemic which will result in a significant number of small site windfalls over the first three years of the local plan review and beyond that?'

The Chairman responded to the supplementary question.

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

'According to the Committee paper, in total there were in the region of 3,000 submissions to Reg 18b consultation. Of those, how many related to the proposed Lenham Heath and Lidsing Garden Communities and are they being collated together, rather than being dealt with individually?'

The Chairman responded to the question.

Ms Brown asked the following supplementary question:

'Why do we have to wait for the SPI meeting of the 9 March before your views on at least the non-garden community's submissions, which presumably contain a lot of repetition?'

The Chairman responded to the supplementary question.

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

'Leeds Langley Relief Road. A piece of work is being commissioned to explore the related corridor, therefore indicating the possibility of this road being established. In the Local Plan Review, should an allowance be made for perhaps 1,500 new houses along that corridor to assist the road's funding, otherwise, if it does go ahead within the plan period, our Borough will have a plan with up to 1,500 homes in excess of the Government formula's requirement?'

The Chairman responded to the question.

Mr Coulling asked the following supplementary question:

'If Members think that the inspector would just dismiss any allowance linked to this possible road, why doesn't MBC just declare the corridor as a broad area with a figure against it, and then either flesh it out with detailed sites or remove it and replace it with other sites at the next review in a few years' time when the fate of the road may become clearer? Aren't we in the worst of all possible worlds by ignoring Leeds Langley relief road?'

The Chairman responded to the supplementary question.

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

'As a matter of urgency, could we see copies of agenda, briefing papers and minutes for all Duty to Cooperate activities since 1st July 2020 that have taken place with Tonbridge & Malling to coordinate strategic matters, including planning of homes and employment around our common border?'

The Chairman responded to the question.

Mr Horne asked the following supplementary question:

'The last Minutes said that future updates from such meetings would be provided through the local plan review update agenda item. In the absence of any such update, can we therefore assume there have been no duty to cooperate meetings since your last meeting?'

The Chairman responded to the supplementary question.

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

'The Council's Strategic Plan commits to aiming to "deliver an eco and biodiversity net gain exemplar new community at Heathlands". Tonight's officer report on Heathlands also states that the new development aims "to support the council's wider air quality improvement aims and its declared climate change emergency," The Heathlands proposal is a car-dependent air-polluting dormitory town that is questionable on how it will integrate biodiversity net gains and air quality improvements in to the development other than by tagging a country park on the side of it. Air quality levels are already poor due to the proximity to the motorway and will be exacerbated by considerable further traffic generated by the 5,000 new homes in an unsustainable location. Why is the Local Plan Review accepting a proposal which clearly contradicts the Council's climate change declaration?'

The Chairman responded to the question.

Ms Duff asked the following supplementary question:

'Do you agree that the Council-led garden community at Lenham Heath contradicts the Council's own climate change policies and should be shelved as a preferred site in the local plan review?'

The Chairman responded to the supplementary question.

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

'The Welwyn Hatfield Local Plan has recently hit the buffers with the Planning Inspector accusing the authority of 'unjustified bias' in the selection of its housing development sites, favouring less sustainable locations over other locations with better access to public transport for example. The same could be suggested of the Maidstone Local Plan Review that chooses unsustainable car-dependent locations like Heathlands over other locations which have better existing access to a rail station. If the Council still believes Garden Settlements is the right spatial approach, do you think you need to review the original nine proposed settlements again and look for sites that are genuinely the most sustainable?'

The Chairman responded to the question.

Mr Hammond asked the following supplementary question:

'SOHL, Lenham Parish Council and Borough Councillors have all asked for the Council to publish its study that looked for the right location for a new council-led garden community before it settled on Heathlands. This was repeatedly refused by officers. How are you going to prove that there is no bias in your garden community selection?'

The Chairman responded to the supplementary question.

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

'The Council's independent Sustainability Appraisal states that "Heathlands performed least well across the range of sustainability objectives". Other proposals for garden settlements such as the one in Marden, scores considerably more favourably than others yet appeared suspiciously silent in your Preferred Approaches recently consulted on. Is this therefore a politically motivated Local Plan Review rather than one based on sound sustainable development planning?'

The Chairman responded to the question.

Mr Heeley asked the following supplementary question:

'Can you tell us how the findings of your sustainability appraisal informed the selection of your preferred garden settlements in your preferred approaches?'

The Chairman responded to the supplementary question.

The full responses were recorded on the webcast and 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=qCxxIjP-KZI>

314. QUESTIONS FROM MEMBERS TO THE CHAIRMAN

There were no questions from Members to the Chairman.

315. COMMITTEE WORK PROGRAMME

The Committee were informed that the Access to Biodiversity and Climate Change Funding and the Anti-Idling Policy would be removed from the work programme; the former would be presented to the Policy and Resources Committee at its next meeting and the latter would be presented to the Communities, Housing and Environment Committee.

The Council's response to the Government's consultation on the proposed changes to the National Planning Policy Framework would be presented during the 9 March 2021 Committee meeting.

The Conservation Area Appraisal and Management Plans Work Programme Update would be delayed until the April 2021 Committee meeting. A report on Cycling Infrastructure Alternatives – funded through the Business Rates Retention Pilot Schemes would be presented to the April 2021 meeting.

RESOLVED: That the Committee Work Programme be noted.

316. REPORTS OF OUTSIDE BODIES

There were no reports of Outside Bodies.

317. DISCOUNTED BATTERY ELECTRIC VEHICLE PARKING

The Parking Services Manager introduced the report and stated the proposed scheme was intended to support the Council's air quality improvement aims within the Low Emissions Strategy, by increasing Battery Electric Vehicle (BEV) ownership. Over 1 million parking events took place within Council car parks each year, with 0.52% of transactions made with BEVs, which was likely to increase to 5% within the next three years based on data predictions.

The proposed discount would be linked to cashless transactions processed through RingGo and PodPoint. As BEV ownership was like to increase over

time, in part due to the fact that no new diesel and petrol vehicles would be sold in the United Kingdom after 2030, the discount applied would be reviewed annually as part of the Fees and Charges review. The number of transactions would be recorded and monitored.

The risks associated with providing free parking were outlined. The cost of the electricity used during vehicle charging sessions would no longer be recovered by the Council through a parking tariff, which would lead to a net loss. There could be unnecessary enforcement actions and reputational harm to the Council if BEV owners did not register their vehicle on either the RingGo or PodPoint apps to prove their eligibility for free parking.

The Committee felt that providing free parking to BEVs, rather than the 50% discount proposed, would better demonstrate the Council's commitment to improving air quality, tackling climate change and act as a greater incentive to increase BEV ownership.

In response to questions, the Parking Services manager confirmed that BEV owners would still have to register their vehicle as parked, regardless of a free parking tariff, as access to the DVLA database to check the vehicles eligibility could only be achieved through the RingGo App. This would allow accurate data collection on the amount of parking transactions made by BEVs. A further potential income loss was highlighted, through any BEV owners that would have purchased a parking season ticket.

There were concerns expressed concerning the equality impact of the scheme given that the BEV parking had to be registered through RingGo or PodPoint only.

RESOLVED: That

1. A 100% discount to parking tariffs as set out in the Council's Fees and Charges schedule be applied to parking transactions relating to battery electric vehicles (BEVs) when purchased through RingGo cashless parking or PodPoint electric vehicle charging points at Council controlled car parks;
2. The discount be reviewed annually as part of the Fees and Charges process to manage financial risk as demand from battery electric vehicle increases over time; and
3. The Committee request that further work be carried out to seek a means to ensure that the application of the policy is further enhanced for fairness and equalities, for user that may have problems with the current form of access.

318. VIRTUAL PERMIT MANAGEMENT IN MAIDSTONE

The Service Analyst introduced the report and stated that the current computer system being used to operate the parking permit system was no

longer supported by the supplier, leading the Council to upgrade the system in place. A virtual permit system was the preferred option which would replace the paper permits in use. Residents would have to apply online for a permit, which would reduce the application timescale by around 2-3 days, reduce emissions from postage and provide the foundations to consider emissions-based charging in the future.

It was highlighted that visitor permits were often misused; through use on a third vehicle or having been sold to local businesses and commuters, particularly in Maidstone Town Centre. Through a virtual permit system, visitor permits could be activated through a token system and registered to a vehicle to prevent misuse. A Member workshop would take place, with a representative from each political party alongside the Chair and Vice-Chair of the Committee, to assess the best options for visitor permits moving forward. The findings would then be presented to the Committee before a procurement exercise was undertaken.

In response to questions, the Service Analyst confirmed that the existing paper-based system required an online application to be completed, but that residents could telephone the Council if assistance was needed. Parking Services would seek to maintain the access options currently in place for residents when an alternative system was implemented. A full Equality Impact Assessment would be completed as part of the procurement process.

Group leaders would be consulted for nominations to the Member Focus Group.

RESOLVED: That

1. The existing paper-based resident parking scheme be updated with a virtual resident permit scheme;
2. Members nominate a representative from each Political Party along with the Chair and Vice-Chair of the Committee to attend a Member Focus Group hosted by Parking Services officers addressing the issue of Visitor Permit Misuse; and
3. Following the Member focus group recommendations, a report be presented to the Committee specifically relating to the management of Visitor Permits in Maidstone.

319. 3RD QUARTER FINANCIAL UPDATE & PERFORMANCE MONITORING REPORT 2020/21

The Head of Finance introduced the financial update of the report and stated that the net income shortfall for the Committee was £1.9 million with significant adverse variances in development control and parking. The income received through the Sales, Fees and Charges Scheme had not been included within the figures presented.

The Head of Finance highlighted the increased forecast overspend on the Local Plan Review (LPR) due to increased spending on sustainability appraisal's and transport modelling, the volume of consultation responses to the Regulation 18 public consultation, the extensions required for specialist contractors and the accelerated LPR timescale. The overspend would be closely monitored by finance and planning officers.

It was stated that whilst the Medway Street Flood Prevention Works were ongoing, these were likely to be delayed, with the remaining budget for the works to be carried into the next financial year.

The Senior Business Analyst introduced the performance update, stating that three of the six Key Performance Indicators (KPIs) did not meet the third quarter target, with one having missed the target by more than 10%; the percentage of priority 1 enforcement cases dealt with in time. This was due to Covid-19 restrictions having prevented Officers from carrying out a site visit within the allotted time.

The percentage of priority 2 enforcement cases dealt with in time missed the target by 3.45%, due to the service area experiencing reduced staffing levels. A new staffing structure had been agreed, with additional resources to be in place before the fourth quarter. The affordable homes as a percentage of all new homes had achieved 180% of the set target.

It was noted that the Policy and Resources Committee would be considering the requests made by the Committee at its last meeting, concerning the Medium- Term Financial Strategy and Budget Proposals, the following day.

RESOLVED: That

1. The Revenue position at the end of Quarter 3 for 2020/21, including the actions being taken or proposed to improve the position, where significant variances have been identified, be noted;
2. The Capital position as at the end of Quarter 3 be noted; and
3. The Performance position as at Quarter 3 for 2020/21, including the actions being taken or proposed to improve the position, where significant issues have been identified, be noted.

320. STRATEGIC PLAN - PROPOSED AREAS FOR FOCUS 2021-2026 AND KEY PERFORMANCE INDICATORS FOR COVID-19 RECOVERY

The Policy and Information Manager introduced the report and reiterated that the Policy and Resources Committee had agreed that the Strategic Plan would undergo a refresh in July 2020.

The proposed areas of focus relating to the Committee had been drafted in accordance with the Member feedback received during the Summer of 2020 and were shown at Appendix C to the report. The proposed Key Performance Indicators (KPIs) shown in Appendix D to the report would

replace the current KPI set and assist in monitoring the Council's progress in recovering from Covid-19.

In discussing Appendix D, the Committee requested that an additional KPI to monitor vacant office space within the Borough and in the neighbouring areas, be included. This was due to the potential impact of Covid-19 on the Council's employment strategy which affected the Local Plan allocations.

It was felt that a concept of analysing a plateau point within the recovery column figure be considered, rather than focusing purely on reaching close to pre-Covid-19 levels, to give an indication on whether further economic recovery was likely.

RESOLVED: That

1. The Committee's feedback and recommendations on the proposed refreshed areas of focus for the Council's Strategic Plan for the period 2021-2026, set out in Appendix C to the report, be provided to the Policy and Resources Committee; and
2. The Committee's feedback and comments on the proposed Key Performance Indicators for Covid-19 Recovery set out in Appendix D to the report, be considered provided to the Policy and Resources Committee.

321. BOUGHTON MONCHELSEA NEIGHBOURHOOD PLAN (REGULATION 17A)

The Planning Policy Officer introduced the report and stated that the examiner's report was received for the Boughton Monchelsea Neighbourhood Plan on 17 December 2020, which recommended that the neighbourhood plan proceed to referendum. The modifications proposed by the examiner were outlined and it was noted that Boughton Monchelsea Parish Council had implemented the changes recommended.

It was highlighted that if the referendum was successful, the Boughton Monchelsea Neighbourhood Plan would become part of the Development Plan and be given significant weight in decision making. Post-examination Neighbourhood Plans were of significant material consideration in decision making.

RESOLVED: That

1. The modifications to the Boughton Monchelsea Neighbourhood Development Plan, as set out in the Examiner's report, be agreed; and
2. The Boughton Monchelsea Neighbourhood Development Plan proceeds to local referendum.

322. LOCAL PLAN REVIEW UPDATE

Prior to the report's introduction Ms Geraldine Brown and Mr Peter Coulling addressed the Committee.

The Strategic Planning Manager introduced the report and stated that the responses received during the Regulation 18 preferred approaches consultation were being processed and analysed. A significant number of responses had been received, with an analysis of the responses to be presented to the Committee during its March 2021 meeting.

It was confirmed that there had been no material change in the circumstances that the Council used to calculate windfall allowances, which had proved robust in the examination of the Local Plan and at Planning Appeals. This would be reviewed by Officers prior to the Regulation 19 draft Local Plan Review consultation.

The Strategic Planning Manager confirmed that a piece of work was being commissioned to establish whether a business case exists for development along the Leeds-Langley corridor, that would support a realistic funding package to deliver the necessary infrastructure. This had been undertaken in discussion with Kent County Council, as Highway Authority.

RESOLVED: That the report be noted.

323. DURATION OF MEETING

6.30 p.m. to 8.35 p.m.