

MAIDSTONE BOROUGH COUNCIL

STRATEGIC PLANNING AND INFRASTRUCTURE COMMITTEE

MINUTES OF THE MEETING HELD ON TUESDAY 11 JANUARY 2022

Present: Councillors Clark, Cooper (Chairman), Garten, Mrs Grigg, McKay, Munford, Russell, Spooner and Springett

Also Present: Councillor Sams

131. APOLOGIES FOR ABSENCE

There were no apologies for absence.

132. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

133. URGENT ITEMS

There were no urgent items.

134. NOTIFICATION OF VISITING MEMBERS

Councillor Sams was in attendance as a Visiting Member for Item 11 – Questions from Members to the Chairman.

135. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

136. DISCLOSURES OF LOBBYING

Councillor Grigg had been lobbied on Item 19 – Local Plan Review Update and all items relating to the local plan.

Councillor Garten had been lobbied on Item 15 – Gypsy & Traveller DPD – Call for Gypsy & Traveller Sites.

Councillor Springett had been lobbied on Item 16 – Infrastructure Delivery Plan (IDP) Annual Review and Update 2020/21.

137. EXEMPT ITEMS

The Committee considered discussing Item 20 – Minutes (Part II) of the Meeting held on 7 December 2021 in public. However, as the item

contained information relating to external operators the item would be considered in closed session.

RESOLVED: That all items be taken in public, unless any Member of the Committee wished to refer to Item 20 – Minutes (Part II) of the Meeting held on 7 December 2021, in which case the Committee would enter into closed session, having applied the public interest test.

138. MINUTES (PART I) OF THE MEETING HELD ON 7 DECEMBER 2021

The Director of Finance and Business Improvement informed the Committee that the statutory land charges noted at its previous meeting within Item 18 – Fees and Charges 2023-23 had since been updated. The Committee Members would be sent the updated costs for information purposes.

RESOLVED: That the Minutes (Part I) of the meeting held on 7 December 2021 be agreed as a correct record and signed.

139. PRESENTATION OF PETITIONS

There were no petitions.

140. QUESTION AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were five questions from Members of the Public.

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

'After the recent Reg19 consultation, when will at least an initial analysis be published of proposed Main Modifications, including a statement of the number of consultation responses showing the number focussed on each proposed Garden Community and the remaining number of submissions?'

The Chairman responded to the question.

Mr Horne asked the following supplementary question:

'I note that the modifications will come to the march meeting. Will a result of that be that there will be a need to delay submission so that residents have prior sight of the main mod or does the council intend to submit the published draft document without any significant changes?'

The Chairman responded to the supplementary question.

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

'When will the consultants preparing the Gypsy, Traveller & Showpeople Development Planning Document consult the settled community?'

The Chairman responded to the question.

Mr Titchener asked the following supplementary question:

'Caravans in Kent have increased by 87% since 2019, of which nearly 30% are in Maidstone. However as the need for pitches needs to be determined before drafting that DPD, including by consultation with the settled community as per PPTS paragraph 7A (2015), isn't it premature now to utilise resources in a 'Call for Sites' as you may not need any?'

The Chairman responded to the supplementary question.

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

'MBC has declared a climate emergency and an objective for the Borough, with its traffic congestion, poor air quality and high housing growth, is to be carbon neutral by 2030. But Reg19 does not play its part to achieve this critical objective; it is not even mentioned in Reg19's Spatial Vision nor in its strategic policies, which are too weak and focus on new growth, not the whole community. Nor is there an updated Integrated Transport Strategy. This may all lead to Reg19 being declared un-sound.

So when and how will these weaknesses be rectified before Reg19 is submitted to the Secretary of State for examination?'

The Chairman responded to the question.

Mr Hughes asked the following supplementary question:

'In the policies you use the weasel words Climate Change, you never refer to your objective which I understand is your objective, to achieve carbon neutrality by 2030. Isn't the problem that the policies are focused on new growth and not the whole community which produces most of the emissions. Wouldn't it be good to incorp a 15 minute community concepts on existing communities, such as bearsted, loose, shepway, parkwood and rural service centres, which are all 1.5km or a 15 minute walk from a local centre to provide justification for improving cycling and walking and protection of local shops that research has shown by the Committee for CC, by the chartered institute of highways and transport and by the royal town planning ins, will be required to achieve the 20% reduction in transport reductions and transport is the biggest contribution to Climate Change. Are you prepared to consider this for inclusion in LPR reg 19 submission?'

The Chairman responded to the supplementary question.

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

'An important Modification to Reg19 is required. It should declare that every site over, say, 50 dwellings must have a phasing plan to facilitate a degree of MBC management of annual housing delivery so that it is consistent with a flexible Reg19 housing trajectory that accommodates any beneficial changes to the housing needs algorithm, as expected in 2022. That should then avoid accelerated development leading to a subsequent lack of 5-years housing supply and the planning threats that would open up. If a reduction is then required in development in any year to downwards-adjust to that flexible trajectory, sites which conflict with Spatial Objectives would then be the first to be deleted.

What such Modification will be proposed?'

The Chairman responded to the question.

Mr Coulling asked the following supplementary question:

'Does that mean the borough is not going to try and prepare suitable modifications so that another accelerated development, right at the start of the Local Plan Review when it's accepted; is it not going to go in for avoidance policies or is it just going to throw the plan over the wall and let the developers do as they wish?'

The Chairman responded to the supplementary question.

Question from Mr Duncan Edwards to the Chairman of the Strategic Planning and Infrastructure Committee

The Democratic Services Officer read out Mr Edwards' question on his behalf due to connectivity issues.

'The Maidstone Authority Monitoring Report (AMR) tabled at the SPI meeting in December indicated in para 2.39:

"Transport – In total 16% of the actions within the Integrated Transport Strategy (ITS) have not been actioned."

What actions are being referred to here and is there an outline of the implications of this lack of action or an indication of how the actions are going to be brought back on track?'

The Chairman responded to the question.

The full responses were recorded on the webcast and made available to view on the Maidstone Borough Council website. The question-and-answer session took place between minutes 11:10 to 29:49 of the recording.

To access the webcast, please use the link below:
[Strategic Planning and Infrastructure Committee Meeting - 11 January 2022 - YouTube](#)

141. QUESTIONS FROM MEMBERS TO THE CHAIRMAN

There were two questions from Members to the Chairman.

Question from Councillor J Sams to the Chairman of the Strategic Planning and Infrastructure Committee

'Have any key stakeholders failed to respond by the deadline?'

The Chairman responded to the question.

Councillor Sams asked the following supplementary question:

'As the GC proposals will have such an impact on the neighbouring Authorities of Ashford and Medway, how can you ensure a positive working partnership with these stakeholders?'

The Chairman responded to the supplementary question.

Question from Councillor J Sams to the Chairman of the Strategic Planning and Infrastructure Committee

'We are concerned about duplication and removal of items from the consultation process.

How will the council ensure that the public has confidence that their efforts and views have been valued and taken into consideration?'

The Chairman responded to the question.

Councillor Sams asked the following supplementary question:

'Given that we've learnt that there are those significant tasks as you just explained, can you give any timescale; you've mentioned the march 2022 meeting, is that when we are going to see all those reps filtered and processed?'

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. The question-and-answer session took place between minutes 29:50 to 33:30 of the recording.

To access the webcast, please use the link below:
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142. COMMITTEE WORK PROGRAMME

It was noted that an update concerning Conservation Areas would be added to the work programme and that the Potential Areas for Article 4 Direction(s) across the Borough report would be presented to the Committee in February 2022.

RESOLVED: That the amended Committee Work Programme be noted.

143. REPORTS OF OUTSIDE BODIES

Councillor Garten introduced the report.

Further information on the Kent Downs Area of Outstanding Natural Beauty Joint Advisory Committee would be provided to the Committee Members if requested.

RESOLVED: That the Reports of Outside Bodies be noted.

144. MEDIUM TERM FINANCIAL STRATEGY AND BUDGET PROPOSALS

The Director of Finance and Business Improvement introduced the report and outlined the additional funding to be provided to the Council within the Local Government Finance Settlement. The increased financial pressures to the Council through high inflation rates were highlighted.

The budget proposals relevant to the Committee included additional financial resources for the Council's planning department to support the development of planning policies and the Town Centre Strategy. As the work required would be one-off in nature, it was proposed that £1 million of the New Homes Bonus grant would be used to support these initiatives.

There would be additional staffing posts within the Planning Service in 2022/23; over the next three years the Council would experience a £75,000 loss in income per annum through changes to the Land Registry service. The measures to offset the proposed budget growth were outlined, which included the removal of several vacant planning policy positions to the total of £55,000, however the use of New Homes Bonus to conduct the work flexibly was highlighted.

The Capital Budget proposal concerning the Medway Street Flood Barrier was outlined in Appendix B to the report.

The Committee expressed concerns that the £55,000 should remain within the planning service to allow for the recruitment of additional staff which were felt to be required. In response, the Head of Planning and Development confirmed that the positions had been vacant long-term and that the funding was being used to facilitate an external consultants rather than remaining unused; its removal from the budget proposal for 2022/23 was a housekeeping exercise.

However, it was felt that the Policy and Resources Committee should further consider the use of the £55,000 for additional staffing posts in its overall consideration of the Medium-Term Financial Strategy in the near future.

RESOLVED: That

1. The revenue budget proposals for service within the remit of the Committee, as set out in Appendix A to the report, be agreed submission to the Policy and Resources Committee, subject to:
 - a. That the Committee strongly recommends that the Policy and Resources Committee look at the figure of £55,000 being used to increase staff resource for other planning applications and enforcement; and
2. The capital budget proposals for services within the remit of this Committee, as set out in Appendix B to the report, be agreed for submission to Policy and Resources Committee.

145. GYPSY & TRAVELLER DPD - CALL FOR GYPSY & TRAVELLER SITES

The Strategic Planning Manager introduced the report and referenced the Council's statutory obligations as a Local Planning Authority. The previous decision to produce a Gypsy & Traveller Development Plan Document (DPD) alongside the Local Plan Review (LPR) process was in part due to the significant delay in completing the Gypsy & Traveller Needs Assessment caused by the Covid-19 pandemic. The timetable for the DPD's creation was outlined in the Council's Local Development Scheme (LDS).

It was proposed that a 'Call for Sites' exercise take place between 1 February 2022 to 31 March 2022. The 11 sites previously suggested for use as Gypsy and Traveller sites from the 2019 'Call for Sites' exercise, alongside any new sites put forward, would be assessed through the Gypsy & Traveller Land Availability Assessment in meeting the pitch need across the borough. The other applicable assessments were briefly referenced.

The appendices to the report were outlined and were similar to the guidance provided as part of the 2019 'Call for Sites' exercise to ensure maximum consistency between both processes.

In response to questions, the Strategic Planning Manager confirmed that the 'Call for Sites' exercise would identify which sites were available, whereas a site's use, for example as a permanent or transit pitch site, would be determined following the outcome of the Gypsy & Travellers Needs Assessment.

It was felt that landowners should be given the opportunity to indicate a preference on whether their land would be used for as a permanent or transit pitch site.

RESOLVED: That

1. The Maidstone Call for Gypsy and Traveller Sites exercise takes place between 1 February 2022 and 31 March 2022; and
2. The guidance on making a submission, attached at Appendix A to the report, and the Call for Gypsy and Traveller Site submission template, attached at Appendix B to the report, be noted
3. Officers consider adding a further item on the submission form, as attached at Appendix B to the report, to ask whether the site may be suitable as a transit site.

146. ADJOURNMENT OF MEETING

The meeting was adjourned for a short break between 7.40 p.m. to 7.50 p.m.

Note: Councillor McKay left the meeting at 7.40 p.m.

147. INFRASTRUCTURE DELIVERY PLAN (IDP) ANNUAL REVIEW AND UPDATE 2020/21

The Principal Planning Officer introduced the report, which contained the annual update on the original Infrastructure Delivery Plan (IDP) that had supported the Council's 2017 adopted Local Plan (LP). A separate IDP had been produced in 2021 as supporting evidence to the Regulation 19 'draft for submission' documents public consultation, as part of the ongoing Local Plan Review.

The Principal Planning Officer stated that the IDP should be considered as a high-level strategic overview of the infrastructure schemes required to support the development proposed within the adopted LP. The historical background of the IDP since its creation in 2016 was outlined.

In obtaining updates from the infrastructure providers as shown within the IDP, particular attention was drawn to the addition of four new infrastructure schemes, with seven schemes having been removed from the document due to their completion. The completed schemes were included within Appendix 2 to the report. It was reiterated that the IDP provided an update on the infrastructure schemes included within the document at the time of review only.

The schemes' categorisations by priority and time frame delivery were informed by technical judgements based on the expected development rates and the level of necessity in enabling planned development across the borough. The IDP did not reflect the corporate prioritisations of the schemes included and the interactions between the IDP and other documents, such as the Infrastructure Funding Statement, were highlighted. It was reiterated that the IDP was a live document.

In response to questions, the Planning Policy Officer confirmed that the information relating to the schemes, such as the cost, was based upon the feedback received from the infrastructure providers in annually updating the document.

The Committee felt that the mechanisms for reviewing the IDPs content should be improved and that the number of schemes within the IDP was too large. It was suggested that there should be greater emphasis on delivering a smaller number of key infrastructure schemes moving forward. The impact of infrastructure provision in considering the LP was reiterated.

RESOLVED: That

1. A review of the document's style and the infrastructure contained within the document, including an emphasis on the risks associated, be conducted by Officers and presented to the Committee at a later date; and
2. A Member's briefing be organised on the various infrastructure projects contained within the Infrastructure Delivery Plan.

148. STRATEGIC CIL BIDDING PROSPECTUS 2022-2025

The Head of Planning and Development introduced the report and stated that the Council had collected £1.4 million in strategic Community Infrastructure Levy (CIL) receipts up until the 31 March 2021. It was proposed that a CIL Bidding Prospectus be introduced to allow infrastructure providers, such as Kent County Council, to submit funding bids to the Council in undertaking infrastructure works.

It was confirmed that whilst any infrastructure delivery person, body or organisation could submit a bid for strategic CIL funding, the applications likely to score highly were those that focused on the provision of critical infrastructure schemes such as those outlined within the Infrastructure Delivery Plan.

The Committee expressed support for the prospectus proposed.

RESOLVED: That

1. The Strategic Community Infrastructure Levy Bidding Prospectus 2022-2025 be published in order to invite bids for the Community Infrastructure Levy monies collected to date, with those sums expected to be collected by March 2025; and
2. Delegated authority be given to the Head of Planning and Development as the appropriate officer to tidy up grammatical and typographical errors that do not change the meaning of the document attached at appendix 1 to the report.

149. CHANGE TO THE ORDER OF BUSINESS

RESOLVED: That Item 19 – Local Plan Review Update would be taken before Item 18 – S.106 Monies Spend by Date, to facilitate the public speaker in attendance for the former.

150. LOCAL PLAN REVIEW UPDATE

Prior to the report's introduction Mr Peter Coulling addressed the Committee.

The Strategic Planning Manager introduced the report and highlighted the recent public consultation on the Regulation 19 'draft for submission' document, as part of the Local Plan Review (LPR) process. A report containing the main modifications proposed in response to the public consultation would be presented to the Committee in March 2022.

Officers had begun processing and analysing the approximately 2250 representations that had been received, which could decrease once any duplicated and invalid representations were removed. At the current stage of analysis, the majority of the representations received had focused on the proposed Garden Community settlements and their impact on the sites proposed and the surrounding area. Engagement exercises with various key stakeholders and statutory consultees had commenced, to allow the Council to understand the context of the representations made.

It was confirmed that all of the key issues and matters included within the valid representations would be considered individually.

In response to questions, the Strategic Planning Manager confirmed that the Council would seek to address the representations received concerning affordable housing (AH) including the possibility that further clarity concerning the AH policies within the Local Plan was required. Invalid representations include those submitted in error or that were inappropriate for a public consultation. Reassurance was given that valid representations would be duly considered.

RESOLVED: That the report be noted.

151. S.106 MONIES SPEND BY DATES

The Head of Planning and Development introduced the report and stated that a series of meetings were due to take place with infrastructure partners, including the Council's Parks and Open Spaces Team and the NHS, in ensuring continued progress on the use of Section 106 monies.

Several Members of the Committee raised concerns that some of the Section 106 monies were nearing their expiry date. The Head of Planning and Development advised that the funding had to be provided in accordance with the agreements made by the Council and in line with statutory guidance, whilst reiterating the importance of flexibility within any future agreements made.

RESOLVED: That

1. The report be presented to the Committee bi-annually; and
2. Officers be requested to attempt to extend the expiry date for those agreements nearing their spend by date.

152. EXCLUSION OF THE PUBLIC

RESOLVED: That the public be excluded from the meeting for the following item of business because of the likely disclosure of exempt information for the reasons specified, having applied the public interest test:

Head of Schedule 12A and Brief Description

Minutes (Part II) of the Meeting held on 7 December 2021

Paragraph 3 – Information relating to the financial or business affairs of an individual (including the authority holding that information)

153. MINUTES (PART II) OF THE MEETING HELD ON 7 DECEMBER 2021

The committee entered into closed session to discuss a concern raise over the accuracy of Minute 129.

No amendments were made to the Minute and they were approved as a correct record.

RESOLVED: That the Minutes (Part II) of the Meeting held on 7 December 2021 be approved as a correct record and signed.

Note: Councillor Clark requested that his dissent be noted.

154. DURATION OF MEETING

6.30 p.m. to 9.04 p.m.

Note: The Committee adjourned for a short break between 7.40 p.m. to 7.50 p.m.