

## **MAIDSTONE BOROUGH COUNCIL**

### **Planning, Transport and Development Overview & Scrutiny Committee**

#### **MINUTES OF THE MEETING HELD ON MONDAY 3 NOVEMBER 2014**

**Present:** Councillor Springett (Chairman), and  
Councillors English, B Mortimer, Powell, Round,  
Vizzard and de Wiggondene

**Also Present:** Councillors Burton, Perry, Sargeant  
and J.A. Wilson

85. THE COMMITTEE TO CONSIDER WHETHER ALL ITEMS ON THE AGENDA SHOULD BE WEBCAST

**RESOLVED:** That all items on the agenda be webcast.

86. APOLOGIES

It was noted that apologies for absence had been received from Councillors:

- Chittenden;
- Willis, and;
- Munford.

87. NOTIFICATION OF SUBSTITUTE MEMBERS

The following substitute members were noted:

- Councillor Vizzard for Councillor Chittenden, and;
- Councillor B Mortimer for Councillor Willis.

88. NOTIFICATION OF VISITING MEMBERS

Councillor Perry, Cabinet Member for Community and Leisure Services was in attendance to present item 8.

Councillor Burton, Cabinet Member for Planning, Transport and Development was in attendance for item 9.

Councillor Sargeant was in attendance for items 8 and 9.

89. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members of Officers.

90. TO CONSIDER WHETHER ANY ITEMS SHOULD BE TAKEN IN PRIVATE BECAUSE OF THE POSSIBLE DISCLOSURE OF EXEMPT INFORMATION

**RESOLVED:** That the items on the agenda be taken in public as proposed.

91. MINUTES OF THE MEETING HELD ON 30 SEPTEMBER 2014

**RESOLVED:** That the minutes of the meeting held on 30 September 2014 be approved as a correct record and signed by the Chairman.

92. UPDATE ON SCRUTINY COMMITTEE RECOMMENDATION ACTION IMPLEMENTATION PLAN REFERENCE CEH.140715.20B REGARDING PARISH LIAISON

Councillor Perry, Cabinet Member for Community and Leisure Services gave the Committee a verbal update of the progress of the refresh of the Parish Charter.

Councillor Perry informed the Committee that his key priorities were:

- Re-establishing relationships with parish councils by visiting as many as possible and attending Kent Association of Local Councils meetings, and;
- A Parish Charter framework update.

To date Councillor Perry had attended parish council meetings at:

- Sutton Valance;
- Lenham;
- Yalding;
- Marden;
- Staplehurst, and;
- Boughton Monchelsea.

Version five of the charter was making progress and had involved input from Maidstone Borough Councillors and parish councillors. Councillor Perry stressed the importance of the two tiers of authority working together.

The new charter would include key principles around:

- Consultation;
- Engagement;
- Information sharing – two way;
- Learning and Development – allowing parish councils access to Maidstone Borough Council's resources;
- Service delivery and policy;
- Strong commitment to Localism.

Councillor Perry outlined plans for two aims of the charter:

1. Financial arrangements – a clear statement of commitments refreshed each year;
2. Planning – a clear statement of the relationship between Neighbourhood Plans and the Local Plan.

During discussions the following points were discussed:

A planning policy for the distribution of Community Infrastructure Levy (CIL) funds should be with input from parish councils. It was agreed the CIL could be shared among parishes. However, parish councils would need to have a Neighbourhood Plan with an infrastructure list that had been co-ordinated from an early stage for this to happen.

Planning Officers were asked to listen to the concerns of parish councils regarding planning policies and planning applications.

Councillors asked to see the full draft of the Parish Charter before it was adopted.

Councillors welcomed the plans for the Parish Charter and thanked Councillor Perry for his work to date.

**RESOLVED:** That,

1. The Planning, Transport and Development Overview and Scrutiny Committee note the verbal update given by the Cabinet Member for Community and Leisure Services;
2. That the Cabinet Member of Community and Leisure Services be recommended to include in the new Parish Charter:
  - a. Consultation procedures for planning policy, and;
  - b. A mechanism for disbursing Community Infrastructure Levy funds.
3. That the Cabinet Member for Community and Leisure Services be recommended to present the final draft of the Parish Charter to the Planning, Transport and Development Overview and Scrutiny Committee at a meeting early in 2015.

### 93. NEIGHBOURHOOD PLANNING UPDATE

The Chairman introduced the purpose of this item and explained the item was solely focussed on the progress of the Neighbourhood Plans received by Maidstone Borough Council (MBC) to date. It was noted that land allocations in the Draft Local Plan would not be discussed.

The Chairman also explained that parish councillors in attendance would be permitted to make representation to the committee once the committees' discussions were completed, provided the point had not already been made.

Jillian Barr, Principal Planning Officer, Spatial Policy presented the report in the absence of Sue Whiteside, Team Leader, Spatial Policy Team.

Also present for this agenda item were Rob Jarman, Head of Planning and Development, Rachel Elliott, Planning Officer, Spatial Planning and Tony Fullwood, Planning Consultant, Spatial Planning.

The committee agreed there needed to be a step included in the Neighbourhood Plan decision making framework, that allowed the council to make a formal response to plans submitted at a formal stage. This would inform the examiner if the council, as the local planning authority, was in agreement or not with the plan as it had been submitted or if the council recommended changes.

During lengthy discussion the committee made the following points:

- All parish councils were aware of the progress of their Neighbourhood Plan as detailed in Appendix A of the report.
- Neighbourhood Plans did not need to have the same sites included in them as the Local Plan. However, parish councils would need to provide sufficient evidence to back up their plans.
- Emerging Neighbourhood Plans were taken into account when determining planning applications. The degree of weight given was dependent on how far advanced the plan was, the extent of objections to the plan and its consistency with the National Planning Policy Framework (NPPF).
- Parish councils wanting to benefit from the financial support in developing their Neighbourhood Plans should make their application in writing to the MBC Planning Team to ensure there was a proper audit trail.
- Extensive Borough wide evidence was available to all parish councils to use on the MBC web site, Neighbourhood Plan pages<sup>1</sup>. Parish councils were advised to familiarise themselves with this evidence base for the Local Plan. When Neighbourhood Plans went before the Inspector parish councils would be expected to justify their position if the evidence based used conflicted with that underpinning the Local Plan.
- Documents such as the Infrastructure Delivery Plan, Integrated Transport Strategy and the Local Plan were all evolving documents and parish councils were further advised to keep abreast of changes to these documents when developing their Neighbourhood Plans.

---

<sup>1</sup> <http://www.maidstone.gov.uk/business/planning/local-plan/evidence>

- The Landscape Quality Survey was close to completion as was the Agriculture Lane Survey. Both would be freely available for parish councils to access. As further evidence became available this would be published on the web site.
- Any new pieces of evidence found in the Landscape Quality Survey would be reported to the committee at their meeting of 20 January 2015.
- MBC Planning officers were on hand to meet with parish councils to go through the evidence base in more detail if required.
- Efforts had been made by newly recruited planning officers to improve communication with parish councils. Rachel Elliott, Planning Officer was the first point of contact for Neighbourhood Plan queries, Jillian Barr, Principal Planning Officer next, followed by Tony Fullwood, Planning Consultant, Spatial Policy Team.
- 26 bespoke liaison meetings with parish councils had been planned. The parish councils with a Neighbourhood Plan in an advanced stage of the process were offered separate meetings.
- Parish councils could address the type of Affordable Housing to suit their local requirements in their Neighbourhood Plans, provided work had been done to support the evidence base.
- An Inspector would initially consult The Five Year Land Supply when making a planning decision. In the absence of this, it would depend on the stage of the emerging Local Plan and Neighbourhood Plan.
- In a situation where a Neighbourhood Plan was adopted, and the Local Plan was not adopted, the planning inspector would give considerable weight to the Neighbourhood Plan when making their decision.
- It was acknowledged that an inspector could favour either side but adopted plans were better than emerging plans when dealing with planning applications.
- The planning inspector would consider both plans if they were both adopted. The Local Plan evidence would continue to be developed and as such a parish could end up with more development than they had in their plan.
- The emerging Local Plan should take into account any adopted Neighbourhood Plans. Both documents should be informed by the other.
- NPPF stated that English district councils have to had an objectively assessed housing need. MBC's was not adopted but it was considered an inspector would take it into account when considering Neighbourhood Plans. Neighbourhood Plans had to take the

objectively assessed housing need into account, but did not have to adopt it.

- Emerging Neighbourhood Plans would be considered at Planning Committee when looking at planning applications.
- If a Neighbourhood Plan was voted against at the Referendum stage this would be the end of the plan and the Local Plan policies would be used in planning decisions.

The Chairman invited the representative from Coxheath Parish Council to make their representation.

Coxheath Parish Councillor John Hughes addressed the committee regarding Coxheath's Neighbourhood Plan. The following points were made:

- Councillor Hughes stated that early and meaningful collaboration had not taken place between Coxheath Parish Council and MBC and as such had created a delay of around one year in the adoption of their Neighbourhood Plan, which was still to be adopted.
- Councillor Hughes felt the Local Plan process had made it more difficult for the Coxheath community to achieve its objectives for planning and community benefits.
- The committee were advised by Councillor Hughes that the Coxheath Neighbourhood Plan had gone out to consultation on 19 March 2014 and had received overwhelming support.
- Councillor Hughes stated Coxheath Parish Council had received verbal advice from the Department for Communities and Local Government (DCLG) that due to a lack of an evidence base their Neighbourhood Plan would need to be withdrawn and the process started again.
- Councillor Hughes explained to the committee that Local Plan evidence was not available to the parish at the time they were putting together their Neighbourhood Plan.
- Tony Fullwood explained the Parish Council needed to assess the risk of their Neighbourhood Plan failing when examined by the Planning Inspector. If the plan failed it would not be possible for it to go to the Referendum stage of the process. MBC's officers' role was to help the parish council go through the examination stage to a successful Referendum.
- Mr Fullwood went on to explain that there were issues raised regarding the evidence base supporting the plan. It was considered that some of the policies in the plan would not prove lawful at examination. MBC had offered to assist the Parish Council with

rewriting these. Mr Fullwood did not consider it was a question of withdrawing the plan.

- Councillor Burton, Cabinet Member for Planning, Transport and Development explained that Neighbourhood Plans were new. Councillor Burton had been disappointed with the progress of the Neighbourhood Plan process when he became Cabinet Member in June 2014. Since then MBC had made huge progress with the Spatial Planning Team, now fully resourced, and offering a much better service than 12 months ago.
- Councillor Burton went on to explain that the Coxheath Neighbourhood Plan had issues regarding legal compliance and MBC had made a clear undertaking to correct matters. Discussions had taken place to consider some revisions to the plan and how it might fit with the emerging Local Plan. MBC were waiting to hear how Coxheath Parish Council wanted to proceed.
- Councillor Hughes told the committee the Coxheath Neighbourhood Plan had community support and was contributing to the five year housing supply. The Parish Council were not prepared to withdraw their plan and risk it not being considered as material evidence in planning applications.

The Chairman invited Janet Bilke from Harriersham Parish Council to make representation to the committee.

- Ms Bilke explained that Harriersham Parish Council had met recently with MBC and had had their Neighbourhood Plan tested by the DCLG.
- Ms Bilke went on to state that both MBC and DCLG had advised the Parish Council that a Strategic Environmental Assessment was not needed (SEA). However, MBC were now telling the Parish Council they would.
- Tony Fullwood explained it was precautionary to conduct a SEA to minimise potential problems at the examination stage.

Jim Andrew, Chair of the Loose Neighbourhood Plan Steering Group addressed the committee. He wanted to make two points:

- Loose was at the early stages of putting together their Neighbourhood Plan. Mr Andrew felt it would be useful for parish councils at similar stages to support each other and work together to share good practice. It was appreciated that each parish would have different challenges and needs but it was still felt sharing of experiences would be useful.
- Locality, advisers on Neighbourhood Planning, had provided Loose Neighbourhood Plan Steering Group with a list of items MBC should provide to parish councils, which he was happy to share.

Sean Carter, of North Loose Residents Association and Chair of their Planning Group addressed the committee. He made the following points:

- Mr Carter’s group had spent many hours working on their Neighbourhood Plan. It was an onerous task where progress have been frustrated by MBC.
- Mr Carter went on to say advice received from Locality was that local authorities should be more proactive in the Neighbourhood Plan process.
- However, Mr Carter said MBC had a new planning team and his group wanted to be positive and move forward but was still concerned about timescales for adopting Neighbourhood Plans.
- Mr Carter stated that his group had not been invited to meet with MBC officers. He felt Residents’ Associations and Forums should be communicated with in the same way as parish councils.
- Councillor Burton responded by stating that Residents’ Associations and Forums were not being discriminated against and agreed MBC needed to engage with all communities.

**RESOLVED:**

1. That Cabinet be recommended to agree the following paragraph for inclusion in the Neighbourhood Plan decision making framework:

|    |  |   |  |
|----|--|---|--|
| 3a | MBC consulted on submission version of the neighbourhood plan (Ref 16) | Internal consultation with ward members/adjoining ward members/Cabinet Member | Cabinet Member Report* to consider MBC comments on submission of draft plan. |
|----|--|---|--|

2. That Coxheath Parish Council be recommended to:
  - a. Make a request to the Department for Communities and Local Government to put the verbal advice the parish council had received from them regarding their Neighbourhood Plan in writing, and;
  - b. Share the advice given to them in writing by the Department for Communities and Local Government with Maidstone Borough Council’s Spatial Policy Team to assist with progressing the parish’s Neighbourhood Plan.
3. That the Head of Planning and Development be recommended to recognise Neighbourhood Forums and Residents’ Associations and other similar groups, who are developing a Neighbourhood Plan and include them in all communications on planning policy and consultation on planning applications in their areas of the borough.



94. DURATION OF MEETING

18:30 to 20:59