

MAIDSTONE BOROUGH COUNCIL

Strategic Planning, Sustainability and Transportation Committee

MINUTES OF THE MEETING HELD ON TUESDAY 10 JULY 2018

Present: Councillors D Burton, Clark, Field, Garten, Mrs Gooch, Mrs Grigg, Parfitt-Reid, Round, de Wiggondene-Sheppard and Wilby

27. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Cox and Munford.

Apologies for lateness were received from Councillor de Wiggondene-Sheppard.

28. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were present:

- Councillor Wilby for Cox;
- Councillor Gooch for Munford;
- Councillor Round for de Wiggondene Sheppard

Councillor Round was present as a Substitute for Councillor de Wiggondene Sheppard until Councillor de Wiggondene Sheppard arrived, at which point Councillor Round became a Visiting Member.

29. URGENT ITEMS

The Chairman explained to the Committee that he had agreed to take item 22. Statement of Community Involvement Consultation Draft as an urgent item as it had been missed from the original agenda due to an administrative error. However this item could not wait until a later Committee date as it would have impacted on the Council's ability to deliver the consultation.

The Chairman also explained that he had accepted an urgent update to item 22. Statement of Community Involvement Consultation Draft as this update materially changed the draft consultation.

30. NOTIFICATION OF VISITING MEMBERS

The following Councillors were present as Visiting Members:

- Councillor Wilson, who indicated she wished to speak on item 18. Draft Sports Facilities and Playing Pitch Strategies and item 21. Maidstone Local Plan Review: Scoping and Local Plan Review.
- Councillor Harper, who indicated he wished to speak on item 18. Draft Sports Facilities and Playing Pitch Strategies and item 21. Maidstone Local Plan Review: Scoping and Local Plan Review.
- Councillor Round, who indicated he wished to speak on item 17. Solutions to Operation Stack, Public Information Exercise Update.

31. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

32. DISCLOSURES OF LOBBYING

All members except Councillors Gooch, Wilby and Round disclosed they had been lobbied on item 22. Statement of Community Involvement Consultation Draft.

33. EXEMPT ITEMS

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

34. MINUTES OF THE MEETING HELD ON 12 JUNE 2018

RESOLVED: That the minutes of the meeting held on 12 June 2018 are approved as a correct record and signed.

35. AMENDMENT TO THE ORDER OF BUSINESS

RESOLVED: That item 18. Draft Sports Facilities and Playing Pitch Strategies be considered before item 9. Presentation of Petitions.

36. DRAFT SPORTS FACILITIES AND PLAYING PITCH STRATEGIES

Mr Mark Egerton, Strategic Planning Manager, presented the Draft Sports Facilities and Playing Pitches Strategies to the Committee. It was noted that:

- These Strategies, once agreed would form an evidence base for the local plan review.
- The methodology followed to bring the evidence together to form these strategies had been developed by Sport England.
- The sporting infrastructure outlined as required by the Borough could be funded through Section 106 contributions, Community Infrastructure Levy, Capital Budgets, private organisations or grant funding.

- Sport England recognised that not all need could be met, and that although District Councils were responsible for Leisure Services this was a discretionary function and as such was a choice for each Council as to how much demand could be met.
- The strategies should be referred to the Heritage Culture and Leisure (HCL) Committee for comment as although these documents were evidence for the Local Plan Review, HCL Committee was responsible for Sport and Leisure in the Borough.
- Once this draft strategy had been approved by the Committee and comments made by HCL, a wider consultation was due to take place on the strategy.

Councillors Harper and Wilson spoke on this item as Visiting Members.

The Committee considered the strategies and made the following comments:

- There were a number of factual inaccuracies in the document which ward members would be able to assist the strategy authors to correct.
- It was not clear whether the Council's Health and Wellbeing team had been involved in the writing of these strategies.
- Concerns were raised about the cost of the list of potential infrastructure projects and upgrades, and it was suggested that some prioritisation should take place if the Borough Council was to commit to funding these projects.

In order to address the concerns raised about involvement by other Heads of Service, and ensuring Ward Members were engaged with to address any inaccuracies, Mr Egerton committed to ensuring all members and Heads of Service at the Council were made aware of the strategies.

RESOLVED:

1. That the report is referred to Heritage, Culture and Leisure Committee for consideration, prior to reconsultation with key stakeholders.
2. That the Draft Sports Facilities and Playing Pitch Strategies be referred to Policy and Resources Committee for its November meeting so that future capital budget allocations can be considered.

Voting: Unanimous

37. PRESENTATION OF PETITIONS (IF ANY)

There were no petitions.

Councillor de Wiggondene Sheppard joined the Committee during this item and replaced Councillor Round who had been present as a Substitute Member.

38. QUESTIONS AND ANSWER SESSION FOR MEMBERS OF THE PUBLIC

There were no questions from members of the public.

39. COMMITTEE WORK PROGRAMME

The Chairman expressed his concern at the workload planned for September's meeting, and informed the Committee that he had asked Officers to find some reserve dates for the Committee to either adjourn or schedule extra meetings.

RESOLVED: That the Committee Work Programme is noted.

40. OUTSIDE BODIES - VERBAL UPDATES FROM MEMBERS

The Chairman informed the Committee that the next meeting of the Quality Bus Partnership was due on 11 July and he would update the Committee on this meeting at its September meeting.

RESOLVED: That the verbal updates from members are noted.

41. NOMINATIONS TO OUTSIDE BODIES - SPS&T

Mr Sam Bailey, the Democratic and Administration Services Manager, introduced the nominations to outside bodies that had been received for outside bodies nominated by the Committee.

The Chairman highlighted that there was some overlap between outside bodies specified in Chairman's duties within the Constitution and those that the Committee was required to nominate to. An example was given of the Quality Bus Partnership which appeared on both lists.

RESOLVED:

1. That Councillor Garten is nominated as the Council's representative on the Kent Downs AONB Joint Advisory Committee.
2. That Democracy Committee is requested to review the matter of overlap between Chairman's Duties and Appointments to Outside Bodies within the Constitution.

Voting: Unanimous

42. REVENUE OUTTURN 2017/18 – ALLOCATION OF UNDERSPEND

Mr William Cornall, Director of Regeneration and Place, updated the Committee on the Council's 2017/18 budget underspend. Mr Cornall explained that Service Committees were being consulted on as to whether

they had any one-off projects that would assist the Council in achieving its Strategic Objectives that could be submitted to Policy and Resources Committee to consider funding from the underspend.

The Committee debated the report and concluded that the most prudent decision would be to add the underspend to reserves to give greater financial certainty for the 2018-19 budget. However it was requested that a list of scoped and costed projects be produced, including a project covering e-learning for Planning Committee members, in case similar future funding opportunities became available.

RESOLVED:

That the underspend is added to revenue reserves to provide additional resources for the Council, to be called on as necessary in the future.

Voting: Unanimous

43. NEIGHBOURHOOD PLANNING PROTOCOL NOTE

Mr Egerton presented a report outlining the Council's Neighbourhood Planning Protocol. Mr Egerton explained to the Committee that Neighbourhood Planning Protocol had been agreed by the Committee in April 2016, however since this occasion a number of changes in legislation had occurred. The revised protocol attached to the report had been updated to reflect these changes.

RESOLVED: That the revised protocol for neighbourhood planning attached at Appendix 1 is approved.

Voting: Unanimous

44. THE BIG CONVERSATION ON RURAL TRANSPORT IN KENT CONSULTATION

Mr Stuart Watson, Planning Officer Strategic Planning, gave a presentation outlining the Council's proposed response to the Kent County Council (KCC) consultation on Rural Transport in Kent.

It was noted that the consultation had not outlined a preferred approach and as such concerns were raised about the viability, cost effectiveness and long term sustainability of the services proposed. The example was given of community mini bus services, some of which were struggling to survive.

The Committee highlighted that the accessibility of bus stops, as well as the accessibility of smaller buses should be referred to in the consultation response. Concerns were raised that although smaller buses are often Disability Discrimination Act compliant, they can still be more difficult to board than a regular bus.

The Committee requested that the points raised above be reflected in the consultation response.

RESOLVED:

That, subject to the amendments requested by the Committee, the responses set out in paragraphs 1.12 to 1.17 be agreed as a basis for the Council's response to Kent County Council.

Voting: Unanimous

45. **SOLUTIONS TO OPERATION STACK, PUBLIC INFORMATION EXERCISE UPDATE**

Mr Watson conveyed the information that had been provided by Highways England regarding its proposed solutions to Operation Stack. The Committee noted the Council's proposed response and concluded that there was not enough detail within the public information exercise for the Council to give a view on any of the solutions proposed.

Councillor Round spoke as a Visiting Member on this item.

Under the specific questions on the consultation, the Committee requested the following amendment be made to the response to question 9:

We are unable to answer some of these questions as there isn't enough information at this stage. However, we have grave concerns about an off-road parking solution, especially if it is located in Kent.

It was requested that responses for questions 7 and 8 be left blank as there was not enough information on the proposed solutions for the Committee to form a judgement.

RESOLVED:

That, subject to the amendments made by the Committee, the responses set out in paragraphs 1.8-1.14 of this report be agreed as a basis for the Council's response to the Highways England public information exercise – Solutions to Operation Stack: managing freight traffic in Kent.

Voting: Unanimous

46. **DEVELOPMENT MANAGEMENT PLANNING PRE-APPLICATION FEES**

Mr Cornall presented the changes to Planning Pre-application fees to the Committee. It was noted that:

- The cost of providing the planning service was exceeding the income from fees.
- The Council was prohibited from making a profit from this service but should aim to at least break even.

- After a benchmarking exercise against other authorities it was clear that the fees charged for pre-application advice was generally lower in Maidstone than for other authorities.
- Therefore the report proposed to increase the fees charged for pre-application advice.

In response to a question from the Committee, Mr Cornall confirmed that the fee income would be monitored by the Committee in its regular budget monitoring reports and the overall impact on the Planning Service of amending these fees would be monitored closely.

RESOLVED:

That the proposed revised fee structure and fees for the MBC pre-application service as detailed in table 2 (para 1.10) are implemented with effect from 1 October 2018.

Voting: For - 8 Against - 1 Abstentions - 0

47. **USE OF HIGHWAYS ACT 1980 SECTION 42 POWERS IN THE BOROUGH**

Mr Egerton gave a presentation to the Committee outlining the options open to the Council in exercising powers contained in section 42 of the Highways Act 1980. Mr Egerton explained that:

- Maidstone Borough Council (MBC) had the power to take over maintenance of urban roads from Kent County Council (KCC) if it was minded to do so.
- If MBC chose to exercise this power, it would take on the responsibility for the maintenance and associated liabilities for all urban roads in the borough, not just those roads that it wished to maintain.
- However the process of identifying the urban roads, surveying their condition and maintaining these roads was likely to be a costly exercise.
- MBC could invoice KCC only for the works necessary to maintain the highway. MBC would be unlikely to recover all its costs.
- If it chose to exercise this power, MBC would assume the liabilities and risks associated with maintaining urban highways.

The Committee considered the options available and noted that exercising these powers would be costly and could expose the Council to undue risks in terms of liabilities and the potential for disputes with KCC.

RESOLVED:

That the Council does not pursue taking on Highway Authority responsibility for maintaining specific roads in the Borough under the powers conferred in Section 42 of the Highways Act 1980 (as amended).

Voting: Unanimous

48. MAIDSTONE LOCAL PLAN REVIEW: SCOPING AND LOCAL PLAN REVIEW

Mrs Sarah Lee, Principal Planning Officer (Strategic Planning), presented a report which set out the factors which influenced the Council's review of its Local Plan. The approach presented incorporated the inclusion of air quality measures which had originally been required by the Inspector in the form of an Air Quality Development Plan Document (DPD). However instead of producing an Air Quality DPD it was recommended to include this work within the Local Plan review instead. The reason the approach had changed was because it would make more sense for air quality matters to be considered alongside the new evidence and approach considered by the Local Plan Review, rather than having a DPD that had been prepared in advance and was of more limited scope.

Councillors Wilson and Harper spoke on this item as visiting members.

Following a question from a Member of the Committee Mrs Lee confirmed that the air quality measures within the current local plan were sufficient until the Local Plan Review had been completed. It was noted that the approach of considering air quality alongside the local plan review would delay introducing new air quality measures by six months.

In response to a question from the Committee it was confirmed that the wording in paragraph 1.7 vii of the Officer's report related to Section 106 funding for transport improvements identified in the Maidstone Integrated Transport Plan which had been secured alongside planning permission approvals and was not an admittance of Maidstone Borough Council accepting Kent County Council's approach of using Section 106 monies to fund feasibility work for a possible Leeds-Langley relief road.

RESOLVED:

1. That Council is recommended to adopt the Local Development Scheme (2018-22) in Appendix 1, to come into force on the date of adoption.
2. That the factors influencing the scope of the report are noted.
3. That the proposed Air Quality Development Plan document is agreed to be incorporated into the Local Plan review and a separate Air Quality Development Plan Document is not progressed.

Voting: Unanimous

49. STATEMENT OF COMMUNITY INVOLVEMENT CONSULTATION DRAFT

Mr Watson introduced a report regarding the Statement of Community Involvement Consultation Draft. It was noted that this report had been considered at the previous meeting of the Committee but had been deferred to this meeting in order to take into account comments by the Committee.

The Committee requested specific reference to the fact that if statutory consultees objected to planning applications then they were required to be considered by Planning Committee rather than being determined through delegated powers by Officers.

Following a debate, the Committee concluded that it was important that Ward Councillors were kept informed when pre application advice had been requested for developments of ten houses or more in their wards.

RESOLVED: That subject to the following amendments to table 4:

- 1) The Planning Department will inform Ward Councillors of any requests for Pre-application consultations in their wards for applications of 10 units or more.
- 2) Ward Councillors, political group spokespersons, parish councils and any other statutory consultee including a neighbourhood forum with an adopted or post examination neighbourhood plan are able to call planning applications in to Planning Committee Review.

the statement of Community Involvement is approved for Public Consultation.

Voting: For - 7 Against - 0 Abstentions - 1

Note: Councillor de Wiggondene-Sheppard left the meeting at 10.28 pm during consideration of this item and was not present for the vote.

50. LONG MEETING

During the consideration of item 22. Statement of Community Involvement Consultation Draft, the Committee –

RESOLVED: To continue the meeting until 11.00 pm if necessary.

51. DURATION OF MEETING

6.31 pm to 10.28 pm