

LOCAL PLANNING AND ENVIRONMENT ADVISORY COMMITTEE

Minutes of the meeting held on 23 October 2014 commencing at 7.00 pm

Present: Cllr. Mrs. Hunter (Chairman)

Cllr. Horwood (Vice Chairman)

Cllrs. Ball, Butler, Dickins, Gaywood, Piper, Mrs. Purves and Searles

Apologies for absence were received from Cllrs. Mrs. Sargeant, Scholey and Williamson

Cllrs. Edwards-Winser was also present.

16. Minutes

Resolved: That the Minutes of the meeting of the Committee held on 3 September 2014 be approved and signed by the Chairman as a correct record.

17. Declarations of interest

No additional declarations were made.

18. Actions from the meeting held on 1 July 2014

The action was noted.

19. Update from Portfolio Holder

A list of current and recent planning related consultations was [tabled](#).

The Portfolio Holder reported that much of the work being carried out formed the bulk of the agenda before Members. He had been working on trying to get members more involved and the process more transparent. He wanted Members more involved before appeals and wider and formalised enforcement monthly report on movements. The tabled paper demonstrated the recent work carried out by the Planning Policy Team on consultations. Anyone who wished to be involved should advise Officers.

He was trying to create links with rural landowners as they had issues such as solar farms and conversions of agricultural buildings. The affordable housing corporate plan promise of up to 40% was not being met primarily due to lack of available land due to the greenbelt and had so far been 11, 9, 19% in last few years. The key issue was viability. With regards to the budget he had asked the Chief Executive for more money in order to test these viability tests in order to challenge them and get closer to the desired outcome. Only one major development with 40% was the one down by the old Police Station. He wanted to improve the performance on this promise. When there was cash alternative this was fed back into a successful scheme called DIYSO. Affordable housing was on the work plan for the meeting in March 2015. ~~Shared equity~~ Affordable housing was 65/35 in favour of social housing rent*.

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In response to a question the Chief Planning Officer advised that the 'up to 40%' was a cascade policy with the largest developments being expected to bring in closer to 40%. The flexibility was that in theory were able to provide a viability statement a lower amount could be agreeable.

**amendment made at 27.01.15*

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20. Referrals from Cabinet

a) Performance Indicators and Targets for 2014/15 (Minute 26, Cabinet – 17 July 2014)

The Committee considered the waste and recycling performance targets which had been presented to Cabinet at its meeting on 17 July 2014 along with an updated version as at 10 October 2014.

Resolved: That Cabinet be advised that the Advisory Committee were satisfied with the explanations in the commentary provided.

21. Budget 2015/16: Service Reviews and Service Plan Impact Assessments (SCIAs)

The Chief Finance Officer presented a report which set out updates to the 2015/16 budget within the existing framework of the 10-year budget and savings plan. The report did not present any savings proposals, but one growth item had been identified which the Committee considered and agreed. Cllr. Edwards-Winsor addressed the Committee but was advised that his queries came under the remit of the Finance & Resources Advisory Committee.

Action 1: The Chief Finance Officer to ask Property to respond to Cllr. Edwards-Winsor.

The Portfolio Holder advised that he would like to investigate further the possibility of increasing the budget (a further growth item) in order to be able to test viability studies (see Minute 19). The Committee agreed that this should be investigated further.

Resolved: That it be recommended to Cabinet that

- a) the growth proposal identified in Appendix C to the report be agreed; and
- b) there were no growth or savings items to propose at this time.

22. E.U. Waste Framework Directive

The Chief Officer Environmental & Operational Services presented a report which provided an outline of the requirements of the England and Wales Waste Regulations 2011 (as Amended 2012), promoting high quality recycling. It summarised the

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methodology of the Waste Regulatory route map which had been accepted by the Environment Agency as an acceptable assessment to demonstrate compliance. An Independent Consultant had been engaged to undertake the assessment, and their findings were summarised together with conclusions reached. The conclusion reached was that, on the basis that the recommended actions, as outlined in the report, were implemented, the Council did not need to collect paper, card and plastic separately in order to promote high quality recycling. In response to a question the Chief Officer Environmental & Operational Services advised that it would cost considerably more to collect glass kerbside than the current arrangements. As previously reported to the Committee, Sainsburys had been looking at carrying out their own glass recycling at their stores but nothing had been implemented yet, and the Council's own glass recycling banks remained on site..

The Chairman endorsed the recommendation to Cabinet.

It was unanimously

Resolved: That it be recommended to Cabinet, on the basis that if the recommended actions identified in the report were implemented, there was good evidence that the Council did not need to collect paper, card and plastic separately in order to promote high quality recycling.

23. Crematoria in the District

The Chief Planning Officer presented the report which described proposals that had come forward for crematorium development in the District, outlined relevant local and national policy and set out the key conclusions of the one appeal decision made early this year.

Resolved: That the report be noted.

24. Community Infrastructure Levy (CIL) Governance Arrangements

The Committee had previously agreed to the arrangement of a Community Infrastructure Levy (CIL) workshop to ensure that the development of governance arrangements by the committee was a Member-led process and to enable Members to debate the issues that the Council would need to consider in greater detail. The workshop had been held immediately prior to the meeting. Initial thoughts on the formation of a CIL spending board had included a panel type system pulled from a pool of members (similar to the Licensing Committee format) that should meet about three times a year with the decision endorsed at a higher level, but further consideration needed to be given to this and would be discussed at a future meeting of the workshop to be arranged. Until these arrangements were worked out it was recommended that the Council set out a non-exclusive list of the types of infrastructure that would be funded through CIL and those that would be secured/funded through planning obligations. The Council would not be able to use planning obligations to secure/fund something that was funded through CIL.

The Joint Planning Policy Team Leader referred to the report where it advised that anecdotal evidence across the country suggested a desire to secure greater control over CIL funding had been a deciding factor in town and parish councils preparing

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neighbourhood plans but may be unfair to less well resourced town and parish councils that consider themselves unable to bring forward a neighbourhood plan. A way to resolve this would be to give the 25% irrespective of whether there was a neighbourhood plan in place. It would leave the District Council with less funding available to allocate to its own projects or those of partners, such as KCC Education, KCC Highways or the NHS. There would, however, be nothing to prevent town and parish councils passing funding to these organisations where improvements in their infrastructure was considered to be the local priority.

A Member was concerned that smaller one member wards may not receive sufficient money to deliver infrastructure improvements and that there may be benefit in the Council retaining greater control for this reason. He was advised that the money could be passed on as contributions to other agencies for schemes that would benefit the area.

The Chief Planning Officer reported that it had been indicated by the Government that irrespective of the elections in May 2015, Neighbourhood Plans were to stay. This proposal was not to act as a disincentive, merely to make the system fairer. It was suggested that Members could continue to debate this proposal through the CIL workshops and then the Advisory Committee and Cabinet meetings would consider the governance structure or they could recommend to Cabinet that it should agree to it now. The Chairman moved that the proposal should apply to 25% of the £125 per sq m residential rate (i.e. the previous agreed equalisation of rates regardless of whether a town or parish council is in the £125 per sq m or £75 per sq m charging area should apply) and it was duly seconded. The motion was put to the vote and

Resolved: That it be recommended to Cabinet that

- a) all Town and Parish Councils, irrespective of whether they have a Neighbourhood Plan in place, be given control over the 25% of CIL; and
- b) the 'Regulation 123 List: Types of Infrastructure to be funded by CIL' as below, be adopted.

'Community Infrastructure Levy

The following types of infrastructure will be funded through CIL receipts:

- Transport schemes other than site-specific access improvements;
- Flood defence schemes;
- Water quality schemes;
- Education;
- Health and social care facilities;
- Police and emergency services facilities;
- Community facilities;
- Communications infrastructure (beyond that directly secured by agreement between the developer)
- Green infrastructure other than site-specific improvements or mitigation measures (for example improvements to parks and recreation grounds).

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The Council will not treat this list as exclusive and may use CIL to fund other types of infrastructure, subject to its governance arrangements. However the Council will not use CIL to fund site specific infrastructure to be secured through a planning obligation.

Planning Obligations

SDC will use planning obligations for site specific infrastructure, such as:

- Site specific access improvements (these could also be secured through s.278 of the Highways Act 1980 in some circumstances);
- On-site open space, for example children's play areas;
- Site specific green infrastructure, including biodiversity mitigation and improvement;
- On-site crime reduction and emergency services infrastructure, for example CCTV or fire hydrants; and
- Site specific Public Rights of Way diversions or impact mitigation.

Where required to accord with national or local policy, the Council will also use planning obligations to secure the re-provision of any infrastructure that is permitted to be lost through a planning permission granted for redevelopment of that site.

In addition, affordable housing provision and contributions, and related monitoring and legal fees, will continue to be secured through planning obligations.'

25. Statement of Community Involvement - Final for Adoption

The Senior Planning Policy Officer presented the report and outlined the proposed changes to the document arising from the comments made during a six week public consultation, and sought permission to adopt the SCI. The Council's Statement of Community Involvement in Planning (SCI) sets out how the Council proposes to engage local people and organisations in the development planning process, both in Planning Policy and Development Management and had been originally adopted in 2006. In 2013/14 it had been reviewed in order to bring it up to date with current planning legislation and new consultation methods and then sent out for consultation.

The Committee agreed that it was clear and well set out and asked that the final version, if adopted, also be sent out to Town and Parish Councils.

Resolved: That it be recommended to Cabinet to adopt the Statement of Community Involvement in Planning, as amended as set out in Appendix A to the report.

26. Update on the Allocations and Development Management Plan (ADMP)

The Joint Planning Policy Team Leader presented the report which provided a summary of the comments received as part of the Main Modifications consultation and outlined the next steps for the adoption of the Allocations and Development Management Plan

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(ADMP). The ADMP supplemented the Core Strategy by identifying housing allocations, areas of employment and important areas of open space, and set out new development management policies, which were consistent with the National Planning Policy Framework (NPPF). The ADMP was examined by the Planning Inspectorate in March 2014 and a consultation on the Inspector's Main Modifications had been held between 21 August and 2 October 2014. Members' attention was drawn to the supplementary agenda which contained a late comment received from London Borough of Bromley and Appendix E which was a summary of the comments made during the main modifications consultation with responses as requested by the Inspector. There was the possibility that the Inspector could decide to reopen the hearings in relation to Fort Halstead. It was hoped that the report would be received by the end of the year so the ADMP could be adopted January/February 2015.

It was agreed that MM13: Core Strategy Review response should include the wording as set out in the main agenda 'Subject to the findings of an up-to-date Strategic Housing Market Assessment, which the Council will commence in 2014, the Council commits to undertake an early review of the Core Strategy, in part or in whole, within the next five years, in accordance with the National Planning Practice Guidance, in order to ensure that it has an up-to-date suite of policies and proposals in place to deliver sustainable growth in accordance with the NPPF.'

Resolved: That it be recommended to Cabinet that

- a) the comments received through the ADMP Main Modifications consultation be noted; and
- b) the Council's responses to the comments made during the ADMP Inspector's main modifications consultation as set in Appendix E to the report, be agreed, subject to the additional wording outlined above.

27. Gypsy and Traveller Plan

The Joint Planning Policy Team Leader presented a report which outlined the content of the recent government consultation (Planning and Travellers which was published 14 September and possible implications for the Council. The report also set out the alternative sites proposed through the call for sites, that could be subject to a supplementary consultation in the autumn/winter and outlined the proposed next steps to progress the Plan. Members' attention was drawn to the supplementary agenda which contained details of the recent government amendment to the National Planning Practice Guidance.

To make progress on the preparation of the Gypsy and Traveller Plan in accordance with the Local Development Scheme it was proposed that the Council should acknowledge that the Government was consulting on changes to national policy on Gypsies and Travellers in the supplementary sites consultation but continue to prepare its plan on the basis of national policy in place at the current time. Some aspects of the consultation were a fairly radical departure from existing policy and could change following the consultation and/or the General Election. Following the supplementary sites consultation, there would be the opportunity for the Council to reflect on the changes made to national policy before submitting the plan for examination.

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The Portfolio Holder endorsed the recommendations as a sensible direction. The Joint Planning Policy Team Leader advised that the gypsy and traveller unit at KCC thought that an unintended consequence of the new proposals was unauthorised encampments.

Resolved: That it be recommended to Cabinet that the Council undertake a supplementary site options consultation, to provide an opportunity for interested parties to comment on potentially suitable alternative site options, put forward through the recent call for sites.

28. Work Plan

Members noted the work plan. It was agreed to move CIL and add an information item on solar farms to January 2015; Sustainable Drainage (SuDS) be moved and Fly tipping added to March 2015; and it was noted that Pest Control would be reported in the summer.

THE MEETING WAS CONCLUDED AT 8.50 PM

CHAIRMAN