

**Cllr Julia Thornton**  
**Development and Conservation**  
**Report to Scrutiny Committee**  
**14 July 2020**

Services within my Portfolio continue to perform to a very high standard, and pleasingly have adapted extremely well to the challenges of recent months. Some aspects in particular are worthy of note.

1. The latest position on the Local Plan was set out in a report to Development and Conservation Advisory Committee on 7 July.

The Inspector's Final Report on the examination was issued to the Council on 2<sup>nd</sup> March 2020. The report found a failure in the duty to co-operate and recommended that the Local Plan should not be adopted. The Inspector stated that she is unable to recommend any Main Modifications in relation to matters of soundness.

The Council has repeatedly requested feedback on matters other than the duty to co-operate that were discussed at length during the course of the examination hearing sessions. These 'soundness' issues include the approach to protecting the Green Belt in accordance with national policy, the assessment of the Plan through Sustainability Appraisal and the overall spatial strategy to meet District-wide development needs. Notwithstanding a short covering letter provided with the report, substantive feedback on these issues has not been forthcoming.

Saira Kabir Sheikh QC has been appointed as Counsel and a claim was submitted against the Inspector's decision to the Administrative Court on 15<sup>th</sup> April 2020. On 2<sup>nd</sup> June 2020, confirmation was received from the Honourable Mr Justice Swift that permission for judicial review had been granted and that all grounds for the claim were arguable.

In addition, all three Members of Parliament who represent the District - Laura Trott, Tom Tugendhat and Gareth Johnson - have written a joint letter to the Secretary of State for Housing, Communities & Local Government, to request that the Inspector's decision be called in for further consideration. Members will be aware that the Leader of the Council also wrote to the Secretary of State on 21<sup>st</sup> January 2020, outlining his concerns about the Planning Inspector's conclusions. At the time of writing, responses to this correspondence have not been received.

And finally, the Council has lodged a formal complaint with the Planning Inspectorate regarding the service it received during the examination. There has been significant interest in the Council's case from local and social media channels. Both the Leader and I have given interviews on BBC Radio Kent and further media interest may follow as our case progresses.

2. With regarding to Service performance in both Development Management and Building Control targets continue to be met and market share remains very healthy. In fact for the period 1 April to the time of writing more planning applications have been determined, and more in time, than the same period last year which given that most staff have been working remotely is a noteworthy achievement.

The additional investment in Planning Enforcement has been well received and we are continuing to see reductions in the number of historic cases, and more proactive action being taken across the District. Recently this has included the rapid serving of two Article 4 Directions which remove permitted development rights on sites in West Kingsdown and Edenbridge, for which the local communities was most appreciative.

3. By way of a Community Infrastructure Levy (CIL) update, the Council has received £9.15 million since CIL was introduced in 2014. £6 million of this has been available to spend on local and strategic infrastructure, through the CIL Spending Board, with just over £4.5 million of this amount already committed to infrastructure projects. The residual is available for the next CIL Spending Board to award.

A Governance Report went to the Development and Conservation Advisory Committee on 7 July. This annual review looked at the process of how we spend the CIL money, and identified work undertaken with the Chairman and Vice Chairman of the Board, and other Members, to see what is being learnt from each CIL Spending Board and making changes as necessary. This year the report included the following:

- Improved guidance for monitoring bids that have been awarded CIL money, working with the legal agreement (introduced in the last Governance review).
- Drafting a number of templates which ensure that our contact with organisations that have submitted bids is improved.
- Clearer guidelines on how we consider bids that change after their submission to the Board.
- Clarification as to what happens to bids that are not successful.
- Linking bids to the Infrastructure Delivery Plan.
- A timetable for providing further advice and guidance notes to Parish and Town Councils and Organisations submitting bids.

This will ensure that funding allocated through the CIL Spending Board is better assessed, spent and monitored.

4. Finally, I thought it would be helpful to identify some of the many ways the services have adapted to the challenges of working in the current environment. They include;

- Virtual working - the use of MS teams, zoom and skype for business for both internal and external meetings, including pre-apps.
- The end to end process of most applications is now fully electronic.
- An extra focus on staff wellbeing.
- Site notices are being issued to applicants in most cases, and the onus is on them to display and confirm this.
- Recruitment (2 x Planning Officers) has continued and interviews have taken place via Zoom. Feedback has been really positive from all involved.
- We've updated our Statement of Community Involvement (SCI) to temporarily reflect social-distancing measures
- Officers have been redeployed to assist pressures in other services areas, for example to help with the delivery of grants to businesses