

Local Plan & Planning Policy Task Group

Notes of a Meeting of the Local Plan & Planning Policy Task Group held on the 13th September 2017.

Present:

Cllr. Clarkson (Chairman);
Cllr. Clokie (Vice-Chairman);

Cllrs. Mrs Blanford, Bradford, Mrs Dyer, Galpin, Heyes, Shorter

Apologies:

Cllr. Miss Martin, Smith.

Also Present:

Cllrs. Mrs Bell, Burgess, Dehnel, Hicks

Simon Cole – Head of Planning Policy, Ian Grundy (IG) – Principal Policy Planner; Daniel Carter (DC) – Principal Policy Planner, Carly Pettit (CP) – Policy Planner, Helen Garrett (HG) – Policy Planner, Jeremy Baker – Principal Solicitor Strategic Development, Keith Fearon – Member Services Manager

1 Declarations of Interest

- 1.1 Councillor Clarkson made a Voluntary Announcement as he was a Director for A Better Choice for Property Ltd and a member of the Weald of Kent Protection Society.

2 Notes of the Local Plan and Planning Policy Task Group Meeting – 11th August 2017

- 2.1 The notes of the Local Plan and Planning Policy Task Group meeting held on the 11th August 2017 were agreed as an accurate record subject to the inclusion of apologies from Councillor Smith.

3 “Main Changes” to Local Plan – Consultation Update

- 3.1 The report advised that the purpose of the item was to provide Members with a brief summary of the outcome of the Main Changes to the Local Plan Consultation and identify some of the main issues from the consultation. The Task Group received a presentation which set out in more detail the results of the consultation. The presentation covered the following issues:-
- Summary of representations
 - Key issues – Strategic Development requirements and Policy SP2
 - Key issues – Housing Topic Policies

- Key issues – Environment Topic Policies
 - New Topic Policies
 - Key issues – Site Policies
 - Summary of Representations – New Site Policies
 - Next Steps
- 3.2 In summary, the presentation advised that the total representations received was 1,172 from 608 respondents. 274 representations were supportive and 898 were objections to the proposals set out within the Plan.
- 3.3 The Policy Planner (CP) advised that the majority of objections were from agents and house builders and the Task Group suggested that when they formally considered the representations they be separated out into different categories ie public, Parish Councils, and developers and agents. The Policy Planner (CP) confirmed that the information could be presented in this way.
- 3.4 During discussion on the presentation the following points were raised:-
- The Chairman considered that there was a need to establish a position whereby, if a development was not commenced within three years of the granting of the planning permission, consideration be given to identifying ways in which the Borough Council could take forward development of the site to ensure that the housing delivery figures were met. During discussion on this point the Head of Planning Policy advised of a current court case regarding housing delivery and in particular whether the developer or Local Authority would be at fault if the site was not developed. He considered that the outcome of this court case could be very important. The Chairman asked that the Legal Service and Local Planning Team work together to identify ways by which the Council could ensure that sites with planning permission were developed.
 - It was confirmed that whilst planning permissions were extant the figures for those sites counted towards the Council's housing land supply.
 - The Head of Planning Policy confirmed that the Government was expected to publish new methodology for Objectively Assessed Housing Need and there was a risk that there would be a need to reconsider the figures in the draft Plan.
 - In respect of certain sites, Officers had reduced the anticipated delivery rate of dwellings.
 - The Head of Planning Policy gave details of a representation received from a Local Authority in the South East requesting the Borough Council consider meeting some of their unmet housing need. The Head of Planning Policy undertook to provide members of the Task Group with a copy of the representation from the Local Authority concerned, which was to be clarified. The Chairman also suggested that further consideration needed to be given to the question of how the

Borough may be able to address household growth in the capital that could not be accommodated within Greater London.

- In terms of New Affordable Housing Policy HOU1 it was noted that the objections had stated that PPG required this to be amended to “11 or more” homes as opposed to “10 or more”. The Task Group were content to accept “11 or more”.
- In terms of new windfall housing policies, the Task Group considered there was a need to keep an open mind and consider sites on their own individual merits.
- With reference to ENV9 – Sustainable Drainage, the Chairman asked that the Borough Council’s SUDS policy be reviewed to ensure they were able to deal with the groundwater arising from new development.
- In terms of withdrawal of the Caldecott site (50 homes) it was noted that it was anticipated there would be no need to identify a replacement site as the dwelling numbers should be made up as windfall sites came forward.
- In terms of the Bombardier works (S11A) site, the Principal Policy Planner (IG) undertook to send details direct to Councillor Heyes.
- In terms of the Wittersham site (S61), the Ward Member said it would be difficult to take forward the development of this site.

3.5 The Policy Planner (CP) then explained the next steps in the process which included ensuring that Ward Members were made aware of the new omission sites.

3.6 The Task Group discussed the issue of publishing representations for public view and the Principal Solicitor (Strategic Development) advised that there was an obligation to publish all representations received during the consultation exercise but there was no requirement for this to be done by a set date. The Task Group did not wish to delay publishing representations, and

Resolved unanimously:

That all representations be now published for public view, with the exception of the representation received from a Local Authority in the South East which was subject to further clarification.

4 Gypsy and Traveller Issues and Options Discussion

4.1 The report advised that the Task Group on the 11th August 2017 had resolved that the Council should update the evidence base for the upcoming Development Plan Document and agreed that the Council should prepare an “Issues and Options” report for consultation. As part of the process the Council would be presenting the issues and options for debate at the Parish

Council Rural Forum on the 3rd October 2017 with a view to them subsequently being included within the formal consultation. The report was to provide a basis for discussion of the topics that could be included in the Issues and Options consultation prior to them being put forward at the Rural Forum.

4.2 The Principal Policy Planner (IG) and Policy Planner (HG) gave a presentation under the following headings:-

- Introduction
- Current Sites
- Site Identification
- Location of Sites
- Type of Site
- Transit Site Provision
- Chilmington Green
- Next Steps

The Chairman suggested that it would be appropriate for each Parish Council to be sent a formal letter asking them to consider identifying a site within their area for the provision of Gypsy and Traveller accommodation.

4.3 During discussion, the following points were raised:-

- In response to a question, the Principal Policy Planner (IG) advised that the Borough Council had contacts with the Kent County Council Gypsy Liaison Officer and the Gypsy Council. There was also a link via the Housing Department with the Chilmington Site. It was noted, however, that in many cases Gypsy and Traveller families had no representation.
- In terms of identifying suitable sites the Chairman suggested that consideration should be given to identifying sites in both the rural and urban areas.
- If Parish Councils were content with existing unauthorised sites within their areas that had been in existence for three to four years then consideration could be given to adding them to the Borough Council provision and changing the status of those sites to authorised.
- The Portfolio Holder for Environment & Land Management advised that during day to day work being undertaken by Aspire land had been identified which could be considered suitable for Gypsy and Traveller provision. The Task Group agreed that it would be appropriate for Aspire to be briefed by the Planning Officers regarding the type of sites the Borough Council was looking to identify.
- In terms of any future sites which came forward, there would be a need for a protocol to be established governing the conditions on how the sites should be used.

- In terms of the size of the sites, the Task Group considered this should be retained at up to five pitches maximum which equated to a total of 15 structures after taking into account the permanent provision, a mobile unit and a day room.
- In terms of the forthcoming conference, it was considered it was important that the Urban Forums were invited and encouraged to consider allocating a site within their area for inclusion in the DPD.
- A plan of the Borough showing each individual parish was included within the presentation and within that slide current sites were shown together with the proposed sites to be added. The Task Group asked that copies be distributed to members of the Task Group and to the relevant Ward Members. It was also considered appropriate for the detail to be made available at the forthcoming Conference with annotations to show the names of the individual parishes. It was also considered important for Borough Councillors to encourage their Parish Councils to attend the Conference.
- In terms of the type of site considered suitable, the Task Group agreed that the options identified ie publicly owned rental sites, privately owned rental sites and owner/occupier sites were all considered appropriate.
- The Head of Planning Policy said that the control of sites was difficult under the planning legislation and he therefore saw ownership of sites as potentially key in terms of the successful management of sites.
- In terms of the next steps, the Head of Planning Policy advised that the draft Issues & Options Report would be produced for the Task Group and thereafter scheduled into the Forward Plan for consideration by the Cabinet.

Resolved:

That the presentation be received and noted.

5 Dates of Next Meetings

The dates of the next meetings of the Task Group are as follows:-

- 5th October 2017 – Council Chamber – 10.00 am
- 17th October 2017 – Council Chamber – 10.00 am (subsequently cancelled)
- 3rd November 2017 – Council Chamber – 10.00 am

Councillor Clarkson (Chairman)
Local Plan & Planning Policy Task Group

LPPP/TG
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Queries concerning these minutes? Please contact Keith Fearon:
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Local Plan & Planning Policy Task Group

Notes of a Meeting of the Local Plan & Planning Policy Task Group held on the 5th October 2017.

Present:

Cllr. Clokie (Vice-Chairman in the Chair);

Cllrs. Mrs Blanford, Bradford, Burgess, Mrs Dyer, Galpin, Heyes, Shorter, Suddards.

In accordance with Procedure Rule 1.2 (iii) Councillor Burgess attended as Substitute Member for Councillor Clarkson.

Apologies:

Cllrs. Clarkson, Miss Martin, Smith.

Also Present:

Cllrs. Mrs Bell, Dehnel, Hicks, Wedgbury

Simon Cole – Head of Planning Policy; Ian Grundy (IG) – Principal Policy Planner; Daniel Carter (DC) – Principal Policy Planner; Carly Pettit – Policy Planner; Jennifer Shaw – Housing Strategy Manager; Jeremy Baker – Principal Solicitor (Strategic Development); Rosie Reid – Member Services and Ombudsman Liaison Officer.

1 DCLG Consultation on ‘Planning for the right homes in the right places’

- 1.1 The Vice-Chairman in the Chair drew Members’ attention to a paper circulated by a Councillor who had sent her apologies prior to the meeting, as well as a separate question she had posed to the Task Group. It was agreed that these items would be considered as part of the discussion.
- 1.2 The Head of Planning Policy introduced the presentation, which covered the key issues included in the DCLG consultation. He said that these issues could have an impact on the Council and the Local Plan 2030 specifically. The main issue was the Government’s proposed new methodology for calculating Objectively Assessed Housing Need (OAN), and what this could mean for Ashford and neighbouring authorities. He pointed out that under this new methodology, the annual indicative housing target set for Ashford Borough would increase by 164 dwellings per year, which equated to an increase of about 20%. The DCLG consultation paper set out that the new methodology would apply after the end of March 2018 through forthcoming amendments to the NPPF and associated national planning practice guidance. He explained that the consultation indicated that the current OAN methodology could still apply as long as the Local Plan was submitted before the end of March 2018. If this route was taken, the housing needs assessment part of the Local Plan would remain valid for 2 years from the submission date of the Plan. This implied that, if the Local Plan was submitted in December 2017, its housing targets would remain valid until

December 2019. After this time, the Council may need to have identified additional housing supply to meet the extra housing requirements generated by the new OAN methodology.

- 1.3 Members indicated they felt strongly that Ashford's Local Plan should be submitted before March 2018, in order to ensure that the old methodology would be applied to the Borough's housing needs for the next 2 years. Members considered that the Council should continue with the agreed timetable of submitting the draft Local Plan by the end of December 2017.
- 1.4 The Vice-Chairman in the Chair drew Members' attention to the question from a Councillor who had sent her apologies. It was agreed that modular housing could not specifically be accommodated in the current Local Plan, but could be considered in the future, as it was a valid option.
- 1.5 The Head of Planning Policy continued the presentation and drew attention to Statements of Common Ground. He said the consultation document identified three main concerns with the Duty to Co-operate as it currently stood, and set out a plan for more effective joint working where planning issues involved other authorities. He said Ashford Borough Council was likely to need Statements of Common Ground with neighbouring Local Authorities, key stakeholders and service providers, similar to the Council's current agreement with East Kent neighbours. Urgent clarification was required from Central Government on any differences between the current Duty to Co-operate and the proposals in the consultation document. The Head of Planning Policy was due to meet with representatives from one particular District Council shortly, and it was agreed that he would report back on this conversation to the next meeting of the Task Group.
- 1.6 With regard to the mix of housing needs, the Head of Planning Policy said that in the absence of a SHMA, it was unclear how evidence regarding housing need could be collected. Feedback from the Council to the consultation document should indicate that further guidance on this aspect was needed from Central Government.
- 1.7 With regard to Neighbourhood Planning, the Head of Planning Policy said the consultation document proposed that national guidance would be amended to enable Local Planning Authorities (LPAs) to provide a housing target figure for bodies preparing Neighbourhood Plans (NPs) which could be based on a settlement strategy for allocations if the Local Plan was up to date. However, if the Local Plan was considered out of date, the consultation proposed that national guidance would set out a formula-based approach which apportioned the overall housing need of the district based on the new (Objectively Assessed Housing Need) OAN methodology. The Head of Planning Policy said there were concerns with this latter approach, as it was simplistic and it was not clear how it would work in practice. Members also expressed concern about devolving decision-making to Parish level. There were instances of animosity between landowners and residents, which could complicate local decision-making. Members also considered that local decision-making may be negative in terms of community-building and could create more problems for those communities as well as the Local Authority.

- 1.8 On viability assessment, the Head of Planning Policy said the guidance indicated that once LPAs had adopted their Local Plan and set out types and thresholds for affordable housing contributions and infrastructure requirements, there would be no need for future viability assessments to take place. The Head of Planning Policy advised that in practice it was inevitable that some evidence may need to be revisited due to changed circumstances, and the Council's approach to deferred contributions should have enough flexibility to allow for changes in the market.
- 1.9 The Head of Planning Policy said the report for the Task Group described in detail the principal issues for the Council and the emerging Local Plan. A number of these points had been covered by the decision to move the Plan forward for submission as soon as possible. The report set out the suggested Council responses to the consultation document. For several of the points, greater clarification from Central Government was required. In particular, it was important for the Council to emphasise strongly that developers must be encouraged to deliver builds quickly as this was a fundamental aspect of achieving government targets. It was agreed that the next Task Group meeting on 3rd November would agree the Council's response to the consultation document, and members of the Cabinet would be invited to attend the meeting in order to consider and endorse the Council's response. Any discussion and agreement of the proposed response beforehand between Officers and Members should be done electronically so the final response could be agreed by the meeting.

Resolved:

That the Local Plan and Planning Policy Task Group agrees that:

- i) The draft Local Plan to 2030 should proceed on the basis of the housing need calculations already established in the updated SHMA (January 2017), with a view to submitting the Local Plan for examination prior to the end of March 2018;**
- ii) The Task Group endorses the issues and concerns raised by the report on the consultation document and requests the Cabinet to encompass these, and the other points raised at the meeting, within the Council's formal response to the consultation;**
- iii) The members of the Cabinet be invited formally to attend the next Task Group meeting on 3rd November to endorse the Council's formal response to the consultation;**
- iv) The Head of Planning Policy report back to the next meeting of the Task Group on his conversation with a nearby District Council.**

2. Local Plan to 2030 – Topic policy representations to the 'proposed changes' consultation

- 2.1 The Policy Planner introduced this item and drew attention to the options for dealing with further changes to the Local Plan to 2030 and the key issues raised in Topic Areas. She explained that the next steps would be for key issues arising from representations to be analysed fully, with a report outlining the proposed responses to these issues to be presented to the next Task Group meeting on 3rd November. Prior to the final 'submission' version of the

Local Plan being agreed at Cabinet and Full Council, a full response to representations would be presented to the Task Group for approval. Public consultation regarding any site alterations requested by the Inspector would take place after the Examination hearings.

- 2.2 There was some discussion about the proposed deletion of a sentence from the SUDs policy. One of the Principal Policy Planners (DC) explained that it was not possible to re-insert the sentence without going through a number of processes and creating an element of confusion. He said the SUDs issue would be identified and covered in Planning Conditions, so there was no need for concern that it would be overlooked.

Resolved:

That the Local Plan and Planning Policy Task Group agrees the proposed approach to dealing with the key topic policy issues, as discussed.

3. Dates of Next Meetings

- 3.1 3rd November 2017 – Council Chamber – 10am
22nd November 2017 – CR2 – 9.30am
5th January 2018 – Council Chamber – 10am

Councillor Clokie (Vice-Chairman in the Chair)
Local Plan & Planning Policy Task Group