

Ashford Borough Council

Minutes of a Meeting of the Ashford Borough Council held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **17th July 2014**.

Present:

His Worshipful the Mayor, Cllr. J Link (Chairman);

Cllrs. Adley, Apps, Bartlett, Bell, Bennett, Mrs Blanford, Buchanan, Burgess, Chilton, Clarkson, Claughton, Clokie, Davidson, Davison, Feacey, French, Galpin, Heyes, Mrs Heyes, Hicks, Hodgkinson, Howard, Miss Martin, Mrs Martin, Michael, Mortimer, Ovenden, Robey, Shorter, Sims, Smith, Wedgbury.

Also Present:

Chief Executive, Head of Legal and Democratic Services, Head of Planning and Development, Head of Communities and Housing, Head of Cultural and Project Services, Finance Manager, Member Services and Scrutiny Manager.

Prior to the commencement of the meeting;

1. His Worshipful the Mayor asked Members to remain standing in silence in respect of the late Charles Pye Oliver who was the representative for the Hothfield (including Westwell) ward between 1979 and 1991 and the late Paul Edgson-Wright who was the representative for the Little Chart ward between 1973 and 1976.
2. The Reverend John Emmott said prayers in the absence of the Mayor's Chaplain Reverend Eileen Harrop who was away visiting her family.

Apologies:

Cllrs. Aaby, Mrs Bell, Britcher, Clark, Davey, Mrs Dyer, Mrs Hutchinson, Marriott, Taylor, Yeo.

90 Exempt or Confidential Information

The Mayor asked whether any items should be dealt with in private because of the likely disclosure of exempt or confidential information. There were none.

91 Declarations of Interest

Councillor	Interest	Minute No.
Bartlett	Made a "Voluntary Announcement" as he lived in Sevington.	93, 94(b) and 96

Councillor	Interest	Minute No.
Davidson	Made a "Voluntary Announcement" as the Ward Member for Willesborough North.	93, 94(b) and 96
Howard	Made a "Voluntary Announcement" as some members of his family lived in Kingsford Street, Mersham.	93, 94(b) and 96
Mortimer	Made a "Voluntary Announcement" as the Ward Member for the Willesborough North Ward and he lived near to the proposed location for Junction 10a.	93, 94(b) and 96

92 Minutes

Resolved:

That the Minutes of the meeting of the Council held on the 14th May 2014 be approved and confirmed as a correct record.

93 Announcements

(a) Leader of the Council

The Leader advised that he would like to take the opportunity to update Members on recent positive news on developments in the Borough. He explained that the previous week the Government had made a number of transport infrastructure announcements, two of which would greatly assist with the economic and housing growth of the Borough. The first related to the delivery of the full Junction 10a which was a nationally significant project and which would provide much needed capacity and improve road safety. He said that the Council had campaigned long and hard for this investment to be made and the Council could look forward to the benefits this would bring in terms of attracting inward investment and creating jobs. He welcomed the decision by the Government which was a point he was able to make when he and the Chief Executive recently met Lord Heseltine.

The Leader said he would also like to acknowledge the help from Damian Green MP in lobbying for the full Junction. The position now should be to vigorously press on to get the full Junction delivered and the signs were already encouraging with many traffic counters already in place at 77 locations on the road network of Ashford and furthermore that the drivers of over 4,000 vehicles had been interviewed to understand travel patterns around the town. He explained that he had also received a letter from the County Secretary of Kent Association of Local Councils saying that "this is excellent news and congratulations must go to you and everyone else involved...". Furthermore "might I ask if your Council will now focus on the full Junction...". The Leader said this was something that the Council was pleased to do and indeed he said that he had now instructed Officers to cease all work on the SELEP (interim) Junction scheme and to concentrate all efforts on the full scheme.

With regard to the area most affected by the new Junction, he had recently met Mersham Parish Council, following their request, and explained that they had had a very positive exchange. The Leader said that he had agreed to continue to work very closely with Mersham Parish Council so that the concerns of local residents on the detailed design of the Junction and its relationship with local roads and potential issues during the construction period could be tackled. Following the meeting with the Parish Council, the members of that Council had agreed a simple policy statement which he said he heartily endorsed and he hoped that the Council would do too. He advised that their statement read as follows:-

“This Council welcomes the Government’s decision to press ahead and deliver the full Junction 10a. We will now fully focus our efforts on the delivery of this scheme and work closely with partner Councils so that we can jointly help to shape the scheme’s detailed design to address local peoples’ concerns”.

He advised that Kent County Council also supported that statement. This Council would now help to relay this to the Highways Agency who were the scheme’s promoters and would lobby vigorously for any changes needed.

In addition, the Leader advised that the Government had made available £10.2 m funding to improve the A28 Chart Road in Ashford. This would help tackle congestion on the A28 and create access to the proposed Chilmington Green development.

Another significant project which also received a funding boost last week was the Jasmin Vardimon Dance Company who had been successful in its bid for £3 m capital funding from the Arts Council which would go towards the Jasmin Vardimon International Academy of Dance Art in Ashford. The Leader said that he was delighted that the Arts Council England were supporting the Company to help create this Dance Academy in Ashford and he looked forward to working closely with them to help deliver high quality and inspirational facilities that would enrich the Borough. As well as the £3 m it was one of a few organisations which had had an increase in their revenue funding up to in the region of £300,000 to the period 2018.

More positive funding news could come in the form of £22 m towards a Skills Programme for improvements to further education across the South East Local Economic Partnership Area. Whilst this had not been allocated to specific projects, Ashford International College had been recognised as the number one priority in the region by the Kent and Medway Economic Partnership and therefore Hadlow College would be able to bid for some of this funding to take forward their plans for the new College.

The Leader said that funding support of another kind was now available for the Borough’s businesses after the Expansion East Kent Growth Loan Schemes had been extended to Ashford. This was very good news for businesses within the Borough who had plans to expand and employ more people and with continued funding coming from Central Government, Kent County Council and the Borough Council this would support growth in the town’s economy. He said he would wish to encourage local businesses to take up this wonderful opportunity when appropriate.

Another first for the town was the inaugural Ashford Farmers Market which had been held in the Lower High Street on 6th July which had been an even bigger event than expected. Despite the rain the market was very busy all day and wonderful feedback had been received from both the traders and shoppers and the Leader said he was delighted that the wonderful local producers had felt so welcome within the town centre. Indeed an additional six new stalls had been signed up for the August market.

In conclusion, the Leader said that whilst there was much to be positive about in the near future, he wished to finish his update by touching on the past. He explained that Monday 4th August would mark 100 years since the start of WW1 and towns and cities across Europe would be marking the occasion with special events in recognition of local contributions to the War effort. A series of events and ceremonies had been planned by Ashford Borough Council, the British Army (133 Field Company REME), the Royal British Legion, Ashford Museum and other military representatives to honour the bravery of those who left to fight on 4th August 1914 and to allow local people to mark the centenary. He explained that full details of all community events associated with the commemoration of the First World War including those organised by external community groups could be found on the Council's website. He referred to a very helpful leaflet which had been produced and said that he was sure that the Portfolio Holder for Environment, Culture, Leisure, Parks and Open Spaces would be happy to provide Members with copies if needed.

Councillor Mortimer said that the Leader had referred to consultation on Junction 10a with Mersham Parish Council and commented that he assumed that the Leader had also meant Willesborough Forum as the majority of Junction 10A would be in the Willesborough Ward.

The Leader said that he was delighted to confirm that the Council would be consulting very widely which would form part of a very large process of consultation. He said that he had made particular reference to Mersham Parish Council as they had written to him and asked to meet him to discuss the issue. He said that the Council would be happy to meet all parties and he was sure that the consultation by the Planning Unit would be vigorous and extensive to ensure that the Junction was delivered in the best possible way to ensure the minimum of disruption for the residents of the Borough.

94 Cabinet – 12th June 2014 and 10th July 2014

(a) 12th June 2014

Resolved:

- That (i) the Minutes of the meeting of the Cabinet held on the 12th June 2014 be received and noted with the exception of Minute Nos. 38 and 40.**
- (ii) Minute Nos. 38 and 40 be approved and adopted.**

(b) 10th July 2014

In accordance with Procedure Rule 9.3 Mrs Swandale asked a question on behalf of Mr Nutley. Mrs Swandale said that if you asked any Highway Engineering professional was it a good idea to site two motorway junctions 700 m apart you would get the answer a resounding “no”. She asked why then did Ashford Borough Council think it was a good idea to construct such a new motorway junction which necessitated the closure of two of the existing slip roads to Junction 10 when there were obvious alternative sites available to locate Junction 10a.

Councillor Robey, Portfolio Holder for Planning and Development explained that he was afraid that Mr Nutley’s presumption about the views of Highway Engineering professionals was wrong. The Government’s Highway Agency was promoting the new Junction 10a. He said that the Agency was responsible for the national motorway network and as you would expect, employed highway engineering professionals to guide its work and to advise Government on preferred solutions. Following examination of alternative locations, the Government added the new Junction 10a to its roads programme in the location currently proposed several years ago and had now confirmed that funding was available. The options for locating the Junction between Ashford and Mersham were in fact very limited if you wished to avoid an unacceptable impact on the residents of Mersham.

He said that if the questioner was implying that the solution was a Junction to the east of Mersham, there were two very good reasons why this had been ruled out. Firstly, it would be too remote from the existing Junction 10 to have a significant impact on traffic flows at that Junction and hence not serve its purpose and secondly the link road needed from a Junction in this position back to the southern orbital road would surround Mersham, seriously affecting the character and environment of the East Stour Valley and quite possibly creating pressure for further development in this sector.

In accordance with Procedure Rule 9.3, Mrs Arthur said that she lived in Kingsford Street, Mersham and asked what protection would the Council offer to nearby residents from the new Junction 10a during construction. Would the Council maintain the integrity of the “Mersham wall” agreed in the 2008 Core Strategy to prevent urban crawl and not allow any development east of Highfield Lane and Cheesemans Green Lane. Finally she asked would the Council give guarantees that moving to the full Junction would not result in any additional houses other than those 5,000 new homes supported by the interim scheme and that developers of U19 would not be allowed to develop more of this site than stipulated until the new Junction was fully completed?

Councillor Robey, Portfolio Holder for Planning and Development said that in dealing with the first point the Highways Agency was responsible for delivering the new Junction 10a and associated highway works and not the Borough Council. He said, however, the Borough Council would be working closely with local people to help make sure that their concerns were tackled both in the detailed design of the scheme and the arrangements during the actual construction. As the key consultee, the Borough Council would be working to influence the Highways Agency as it prepared a detailed design and would be able to help feed in local concerns. He explained

that the Leader of the Council and he had recently had a positive meeting with representatives of the Parish Council and it had been agreed that the Council would continue to work closely together to find the best possible solution for Mersham residents and the wider Borough.

On the second point regarding land east of Highfield Lane, he said that a site submission had been made by the owner of the land as part of the Local Plan review process. Such submissions should not be taken to imply any support from the Borough Council. He explained that the sites submitted from all around the Borough were now being assessed and at the same time work continued to clarify the amount of development land that would be needed to plan to 2030. He said that he had only reiterated what the Leader of the Council had made very clear, that protecting the landscape setting of Mersham was a very important principle. The growth of Ashford and the new Junction 10a could not be ignored but it made it even more important that the identity of Mersham was protected.

Finally on the last part of the question, he explained that the construction of the full Junction 10a provided long-term capacity to tackle congestion, provided for “natural” traffic growth and catered for future development. The scale of housing development in the Borough that was planned to 2030 in the next Local Plan would be based primarily on an objectively assessed housing need that would be produced in line with the Government guidance on plan making. As far as developments on Site U19 were concerned the Adopted Plan provided guidance on when development could come forward. Any changes to that position would need to be fully justified and demonstrate that any traffic impacts would be acceptable to the Council and the Highways Agency.

Councillor Bartlett said that there had been some interesting developments announced on Junction 10a during the evening and he said he had been pleased to hear from the Leader that he had instructed Officers to stop work on the interim scheme. Councillor Bartlett said that he considered it a tremendous step forward and was delighted that the Council would now concentrate its fire power on the full scheme. Councillor Bartlett believed that two points were relevant to the discussion. He said that the full scheme, now that it was virtually entirely Government funded and not dependent on developer contributions, he was confident that a much better quality development would come through on the site and on any adjoining sites which would perhaps allow the Council to get out of the trap the interim scheme gave re the “Amazon development”. He said he had spoken previously about the unacceptability of the “Amazon development” for various reasons, partly about the social impact the zero hour contracts had on the community and also the lack of corporate diligence that Amazon had in not paying its taxation burden and he said it seemed perverse to him that a business that did not pay taxes was looking for a Government subsidy to build a warehouse. He believed that this was very strange and he was delighted the Council could now move away from this position.

Councillor Bartlett then said that additionally he was not certain that Mersham had had the clear assurance on the new homes issue which they had at the Overview and Scrutiny Committee meeting. He said that as he recalled it the Head of Planning and Development at that meeting was very clear that the full Junction would not allow the development of more than 5,000 houses as the interim scheme developed.

He believed that it was a very important point because a lot of colleagues and residents believed that when you moved from an interim scheme to a full Junction scheme you would have a proportionally higher number of houses in the Kingsnorth, Mersham and Wye areas. He said he was pleased to hear at the Overview and Scrutiny Committee that there would not be any further houses than the 5,000 and he felt that this point was worth making as one of the questioners had raised that during her question.

The Leader said that to his knowledge the Authority had not yet received a planning application from any developer, certainly not the one mentioned by Councillor Bartlett. He said that he understood that as a Planning Authority the Council had a judicial process in that the Council had to judge each case on its merits and to seek to do otherwise could prejudice the Council's position. The Council had to consider any such application with impartiality and to rely on the facts. He referred to the Wednesbury judgment which he said meant that elected Members had to be provided with all of the relevant information by Officers to allow them to reach important decisions.

Resolved:

That subject to the expiry of the period by which decisions arising from the meeting of the Cabinet held on the 10th July 2014 may be called in i.e. 23rd July 2014:-

- (i) The Minutes of the meeting of the Cabinet held on the 10th July 2014 be received and noted with the exception of Minute Nos. 67, 71, 72 and 76.**
- (ii) Minute Nos. 67, 71, 72 and 76 be approved and adopted.**

95 Audit Committee – 26th June 2014

Resolved:

That the Minutes of the meeting of the Audit Committee held on the 26th June 2014 be received and noted.

**96 Report of the Overview and Scrutiny Committee –
Call-in of Cabinet Minute No. 397/4/14: M20 Junction
10a**

The report explained that the Overview and Scrutiny Committee call-in of Minute No. 397 (Cabinet 10th April 2014) had been considered on 11th June 2014 and arising from that discussion there were a number of recommendations the Committee had drawn up and which the Council were asked to consider.

In view of the recent decision regarding the full Junction 10a scheme, the Mayor asked whether Members wished to consider this item as a Committee of the Council or whether they were happy to debate in Full Council. Members considered that as

the situation had changed considerably since the call-in meeting, the matter should be debated within Full Council.

Councillor Chilton, Chairman of the Overview and Scrutiny Committee said he wished to thank all those who had participated in the Overview and Scrutiny meeting but said that now the Council had a very good decision on the full Junction 10a, this scheme should now be progressed. He said that Overview and Scrutiny had an important role to call-in issues and considered that it was important for all call-ins to be appropriate where there was significant interest. In conclusion he said that he believed the Overview and Scrutiny Committee had had a good debate and he thanked Officers for the work they had undertaken in organising the meeting and to those members of the public who had been present during the discussion.

In response to a question, the Head of Legal and Democratic Services clarified that the Council had two options on this matter which were to either object to the Cabinet decision or to not object to the Cabinet decision.

Resolved:

That no objection be raised to the decision of the Cabinet as set out in Minute No. 397/4/14.

97 Overview and Scrutiny – Annual Report

Resolved:

That the Overview and Scrutiny Committee Annual Report be received and noted.

98 Audit Committee – Annual Report 2013/14

The Chairman of the Audit Committee drew attention to the fact that the Audit Committee, which was responsible for examining the Risk Register had now completed this work.

Resolved:

That the Audit Committee – Annual Report 2013/14 be received and noted.

99 Questions by Members of which Notice had been given

(a) Question from Councillor Michael to Councillor Robey, Portfolio Holder for Planning and Development

“Will the Portfolio Holder for Planning tell the Council why the proposed overall housing number was not brought before Council when it became known given its importance and significance to the wellbeing of Ashford and its residents?”

Reply by Councillor Robey

“Thank you Mr Mayor. I believe that Councillor Michael is referring to what is called the Strategic Housing Market Assessment which all Councils have to prepare to inform their local plan making. This work was carried out for the Council by specialist independent consultants experienced in carrying out these studies. This is essentially a technical assessment that must be produced in line with detailed Government guidance. The Planning Task Group which is a cross-party group of Councillors that is focussing on these issues has been closely involved over the last year or so on the work that is still evolving to produce a housing target for the Borough. When the Task Group has a proposition on the housing target that we should plan for, it will be reported to Cabinet in the normal way. Cabinet and Council will consider a draft new Local Plan before triggering full public involvement on that Plan in the normal way. To be clear on the point, I can confirm that the technical study to which Councillor Michael refers is one part of the early evidence base for the new Local Plan. The Minutes show that the Planning Task Group discussed the Strategic Housing Market Assessment at its meetings in October, November and December 2013 before agreeing to publish the document in January 2014. In January 2014 the Planning Task Group resolved “that the Task Group agreed to the publication of the Strategic Housing Market Assessment as part of the Council’s evidence base”. All Councillors were notified that this was taking place and the document was placed on the Council’s website and, of course, Councillor Michael is a Member of the Planning Task Group”.

Supplementary Question from Councillor Michael

“Thank you Mr Mayor. I’m not sure whether that answered my question but I’ll give my supplementary. Does the Portfolio Holder accept that matters will be too far advanced for Cabinet and Council to be given an opportunity to challenge given Officers’ view it would now not be possible to allocate sites for a lesser number?”

Reply by Councillor Robey

“I think that’s an interesting question. I’d like you to let us have it in writing and we will of course prepare an answer”.

Supplementary Question from Councillor Wedgbury

“Can you give us an explanation of the duty to co-operate with other Authorities in our local area to explain to Members so that Members understand this duty of co-operation, I am happy to have a written answer?”

Reply by Councillor Robey

“Yes of course Councillor Wedgbury”.

(b) Question from Councillor Michael to Councillor Robey, Portfolio Holder for Planning and Development

“Will the Portfolio Holder for Planning inform the Council the reason for putting the G L Hearn Ashford Strategic Housing Market Assessment Report into the public domain more or less in parallel with its release to Members?”

Reply by Councillor Robey

“As I said in response to the last question, this piece of work is a technical study carried out in line with detailed guidance issued by the Government. It is not a policy document, nor has any view been taken on the housing target for the Borough. Members of the Planning Task Group had discussed the report on several occasions and agreed in January 2014 that it should be published. This duly happened and Members were notified. I believe that the Task Group decision was a good one in line with normal practice on transparency of important technical information”.

Supplementary Question from Councillor Michael

“Thank you Mr Mayor. Again I’m not quite sure that answered the question but I’ll give the supplementary question if I may. With hindsight does the Portfolio Holder accept that on matters of widespread consequences for Ashford and its residents, it is not only important but imperative for time to be given for an internal review by all Members before details are put into the public domain because to do so presents Members with a fait accomplis and surely cannot be considered good governance?”

Reply by Councillor Robey

“Once again I think that’s an interesting point of view and if you would let me have it in writing we will of course let you have a reply”.

Supplementary Question by Councillor Clarkson, Leader of the Council

“Mr Mayor I think there are occasions when we publish a document to our Members and in the spirit of openness it is appropriate to let the public have sight of that because there are many other interested parties involved in this work of forming the Plan for the future of Ashford, so I do think that it is appropriate on these occasions to release the document to the public at the same time as to release to Members. That won’t be the case in every case where there are commercial confidentialities involved, but I did say on appointment that I wanted to have a more inclusive Cabinet and a more inclusive Authority and that actually includes the people of Ashford so I would ask the Portfolio Holder for Planning and Development if he would agree with that statement?”

Reply by Councillor Robey

“Yes Leader, I would agree with that statement”.

(c) Question from Councillor Michael to Councillor Robey, Portfolio Holder for Planning and Development

“Again my question is to the Portfolio Holder for Planning and the question is will the Portfolio Holder for Planning tell the Council the implications for an area when it is earmarked for strategic development?”

Reply by Councillor Robey

“Thank you Mr Mayor. The existing suite of Local Development Framework documents set out the planning strategy in detailed site allocations for development to 2021. The diagram which forms part of the Core Strategy shows the broad strategy for development and strategically important developments by virtue of their scale and wider importance to Ashford as a whole. Area based plans since adopted by the Council make detailed proposals for these areas.

Supplementary Question from Councillor Michael

“Yes please Mr Mayor I would like to have a supplementary again to the Portfolio Holder. With land submissions being tenfold to what is thought to be needed, will the Portfolio holder give an unequivocal assurance there is no danger of strategic development designation opening up land within it for unchallengeable development in the revised Local Plan and its latest successors. In other words there is no possibility of a Chilmington Green time bomb for the future?”

Reply by Councillor Robey

“Once again an interesting question and I think I would rather have it in writing so that we can give you a proper response to it”.

Supplementary Question from Councillor Bell

“Thank you Mr Mayor. As a supplementary, could I ask the Portfolio Holder for Planning to what extent does the development around the town of Ashford alleviate pressure for housing that might not be quite so wanted in the villages and perhaps Tenterden?”

Reply by Councillor Robey

“The Strategic Housing Market Assessment produces the housing number and it’s a mechanism that’s dictated by the actual mechanism we have to go through as dictated by the Government through the MMPF so that creates a number and that’s one side of the equation. On the other side of the equation are the site submissions and anybody can submit a site, I mean anybody at all can submit a site the fact of submitting a site in no way implies an acceptance and that has to go through a process called the Strategic Housing and Employment Land Availability Assessment, so on one side you’ve got the demand and on the other side you’ve got where you’re going to put them.

Now obviously you've got to try and put these houses in the most appropriate place and take account of infrastructure, the ability to provide necessary facilities such as schools, hospitals, shops and all the rest of it and historically, as Councillor Bell will know, because he's been doing this longer than I have, we have tried to maintain the villages in a reasonably rural state, areas designated landscapes like the AONB, the Weald and all of this. Now, when you put all that together it means that it's probably easier to extend Ashford than it is to build houses in the villages but one thing that is for certain, I mean everyone will have read in the papers about the national housing shortage. This can't be denied and it's my belief that no Government of any complexion is going to fundamentally change the current process so the choice we have in Ashford isn't about the choice between having no development and having development it is the choice of having development that we control and development that is put on us and inflicted on us by a mixture of developers and the Planning Inspectorate and I think I know which one we ought to be supporting and which one the people of Ashford will actually want".

(KRF/AEH)

MINS:CXXX1429