

# Ashford Borough Council: Local Plan & Planning Policy Task Group

Notes of a Virtual Meeting of the Local Plan & Planning Policy Task Group held on Microsoft Teams on **25 February 2022**.

## Present:

Cllr. Bartlett (Chairman)

Cllrs. Blanford, Harman (part-meeting), Ledger, Wright.

## Also Present:

Cllrs. Mrs Bell, Burgess, C. Suddards

## In attendance:

Spatial Planning Manager; Team Leaders x 2 – Plan Making and Infrastructure; Deputy Team Leader – Plan Making and Infrastructure, Acting Deputy Team Leader – Plan Making and Infrastructure: Planning Officers x 2, Principal Solicitor - Strategic Development; Environmental Contracts and Enforcement Manager; Member Services and Ombudsman Complaints Officer; Member Services Officer.

## 1 Apologies and substitutions

1.1 Apologies had been received from Cllr N Bell, Cllr Clokie

## 2 Declarations of interest

Cllr Bartlett	Made a voluntary announcement that he was a member of Kent County Council	Item 5
Cllr Mrs Bell	Made a voluntary announcement that she was a member of Kent County Council, where she had previously been a member of a Member Task Group that developed the Minerals and Waste Local Plan	Item 5

## 3 Notes of the last meeting

3.1 The Notes of the meeting of the Task Group held on 2 December 2021 were received and noted, subject to the following amendments:

- 3.2 The Principal Solicitor – Strategic Development be added to the attendance list;
- 3.3. The revision of para. 4.5 – first sentence be amended to ‘The Chairman requested that a copy of the information relating to the 278 agreements be distributed to Task Group Members when it was ready’.

## **4 Environment Act 2021 Implications for Planning (Biodiversity Net Gain)**

- 4.1 The Team Leader (Plan Making and Infrastructure) summarised the report tabled, regarding the new legal responsibilities and implications for Council services. The requirements would gradually come into force over the next two years, and unless exempted would require all new developments to demonstrate a 10% net gain in biodiversity, measured by DEFRA’s biometric tool, either on or off site.
- Council to approve Biodiversity Gain Plans required to be submitted with each application
  - National Biodiversity Gain Register
  - National Biodiversity Gain credit system
  - Local nature recovery strategy
  - Production of action plans, with regular reporting on outcomes
- 4.2 The Chairman commented that this demonstrated the Government’s ambitious commitment to the environment and a desire to ‘build back greener’ to halt the decline in species.

### **Resolved**

- To:
- (i) note the contents of this report, in particular the significant new biodiversity-related responsibilities attributed to local authorities as a consequence of the Environment Act 2021;**
  - (ii) anticipate further reports on Biodiversity Net Gain in due course, particularly where it is considered that responses to forthcoming consultations on secondary legislation and / or regulations require or would benefit from Task Group input;**
  - (iii) approve the draft response to the current DEFRA consultation on Biodiversity Net Gain Regulations and Implementation attached as Appendix 4, noting that this is expected to be the first of a number of consultations in the lead up to the mandatory 10% BNG requirements coming into force;**
  - (iv) agree that, given the potential for DEFRA to initiate numerous consultations over a short timeframe, and so as not to over-burden Task Group, Task Group Chair will exercise discretion over when Task Group input is needed or desirable in relation to those consultations, and will have discretion to approve representations**

made on behalf of ABC following consultation with the Portfolio Holder and Head of Planning;

- (v) agree that, going forward, Planning and Development service, and wider corporate priorities for action are:
- (a) the bringing together of existing evidence on biodiversity values in the Borough, and the production of further evidence as necessary to determine and effectively communicate future biodiversity enhancement opportunities, in particular on ABC owned or controlled land;
  - (b) the production of an ABC Biodiversity Action Plan, in anticipation of the Secretary of State confirming, in the next 6-12 months, the date by which these are expected to be in place;
  - (c) engagement in the production of the Local Nature Recovery Strategy to ensure ABC's interests are represented and taken forward; and,
  - (d) responding to Planning and Development Service and wider corporate resource implications, including through buying in training or resource if needed to respond to emerging requirements.
- (vi) anticipate the potential resource implications of the Act, for the Planning and Development Service in particular, but also for other services, (taking account of the current Proposed New Senior Structure Consultation), and anticipate a 'Project Plan' being developed, for approval by Cabinet as necessary, to identify service accountabilities and responsibilities, and to address the additional demands the Act gives rise to, bearing in mind that DEFRA funding to address these demands is expected, but that this may not be immediately or ultimately forthcoming.

## **5 Regulation 18 Consultation Kent County Council (KCC) Minerals and Waste Local Plan 2013-2030 Review**

5.1 The Deputy Team Leader – Plan Making and Infrastructure introduced the item and outlined the key issues and Officer concerns within the plan as tabled.

- Whilst the plan identifies a pressing need for new waste transfer facilities in Kent, it does not specify, secure or allocate a site for this purpose, or set out when it might be delivered,
- It suggests the utilization of Section 106 funds to provide it but these are not currently collected and allocated for this purpose
- Officers were seeking further clarification from KCC of how they intend to address the matter of exemptions from mineral assessments in the context of our existing allocations.

- 5.2 The Environmental Contracts and Enforcement Manager confirmed that the lack of clarity of the plan site allocation was of major concern, linked to contract negotiations. The current transfer station was not fit for purpose, operation restrictions there caused delays. Potential moves in government to enforce twin-streaming or source separation would result in reduction of efficiency. Mid-Kent currently performs better than other areas in Kent. A decision by central government is not expected until May 2022.
- 5.3 From a contractual perspective, further information was being sought from KCC to lessen the risk on the tendering process and individual meetings were taking place in the spirit of partnership working.
- 5.4 From Planning's perspective, the Spatial Planning Manager explained that Section 106 contributions were not presently applied for waste facilities, and may not be in the future. Any request for S106 contributions would need to meet the Regulations and officers currently have doubts about the merits of what is being asked, especially with such lack of certainty provided. In addition, the total S106 burden must always be kept under review, so the Council may in the future have to make tough choices about what requests are affordable. A Member underlined this concern from a community perspective and ensuring S106 money was spent where the impact was greatest.

**Resolved:**

- **To endorse the contents of this paper as a means of framing responses to the consultation on the Kent Minerals and Waste Local Plan Review.**
- **To delegate authority to the Head of Planning and Development and the Head of Environment and Land Management to finalise and agree any responses between the Portfolio Holder for Planning, the Portfolio Holder for Environment and Land Management and The Chair of Task Group.**

## **6 Housing Delivery Test Result 2021**

- 6.1 The Acting Deputy Team Leader (Plan Making and Infrastructure) confirmed the report tabled represented data gathered from January 2018 to January 2021, showing the % delivery versus the % housing need. Performance was noted at 118%.
- 6.2 In answer to a Member's question regarding a prognosis for future delivery, the Spatial Planning Manager believed that delivery against the Housing Delivery Test was likely to be consistent over the next few years but reiterated that the Council currently couldn't demonstrate a 5 Year Housing Land Supply, meaning the national presumption in favour of sustainable development currently applies.
- 6.3 The Chairman stated this topic would be revisited at the May meeting, after housing completion surveys were conducted.

**Resolved:**

**That the report be received and noted**

## **7 Local Plan Residential Windfall Policies**

- 7.1 The Deputy Team Leader (Plan Making and Infrastructure) gave a presentation, which is attached to these notes at Appendix A.
- 7.2 The Spatial Planning Manager noted that there was no current ability to review policies HOU5 and HOU3a as that should only be done through a revision to the Local Plan. However, this presentation represented the first steps of that discussion.
- 7.3 There was a discussion about the merits of the current policy approach and how it has been applied in practice. Members were keen to have another debate nearer the time of any Review. The policy was seen as an important policy for the Council, one which generates significant public interest.

**Resolved:**

**That the contents of the presentation were noted.**

## **8 Gypsy and Traveller Local Plan**

- 8.1 A report had been prepared. The Spatial Planning Manager explained that due to resource pressures and other factors such as Stodmarsh environmental concerns, no progress has been made on a Local Plan for Gypsy and Travellers. It was therefore recommended that this issue should form part of any future review of the Local Plan.
- 8.2 The Spatial Planning Manager agreed to provide a summary note for the public to explain the Council's current position.

**Resolved:**

**To note the contents of the report and agree:**

- **Gypsy and Traveller issues to be woven into and progressed via any future review of the Local Plan 2030, to be triggered at the appropriate time.**
- **the Local Development Scheme to be further revised to reflect the agreed position.**
- **Further background work and corporate co-ordination still takes place to progress the identification of site options and potential site allocations, with a view to providing for a more dispersed model of delivery.**
- **A further report be brought to Task Group setting out a recommended way forward when a resolution to the Stodmarsh issue is closer at hand.**

## **9 Members' Tracker**

- 9.1 It was agreed to cancel the March meeting in order to release Officer resource to deal with the borough-wide housing site visit survey. The meeting in May would be extended.

## **10 Date of next meeting**

- 10.1 13 May 2022 at 10am on Microsoft Teams.

Councillor Bartlett  
Chairman – Local Plan & Planning Policy Task Group

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