

# 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 **13 May 2022**.

## Present:

Cllr. Bartlett (Chairman)  
Cllr. Bell (Vice Chairman) – part-meeting

Cllrs. Mrs Bell, Blanford, Clokie, Harman, Ledger, Sparks, Wright.

## Also Present:

Cllrs. Michael, C. Suddards, L Suddards, Walder

## In attendance:

Spatial Planning Manager; Team Leaders x 2 – Plan Making and Infrastructure; Deputy Team Leader – Plan Making and Infrastructure, Placemaking Team Leader – Spatial Planning; Planning Officers x 2  
Principal Solicitor - Strategic Development; Senior Executive Assistant; Specialist Management Support Officer – Environment & Land Management

## 1 Apologies and substitutions

1.1 Apologies had been received from Cllr Spain.

## 2 Declarations of interest

2.1 No Declarations were made.

2.2 Under item 5, Cllr Walder asked for it to be noted that she had an interest as she was a resident member of The Limes Land Protection Group in Tenterden.

2.3 The Chairman emphasised the confidential nature of the meeting, and Members confirmed that they understood the need for confidentiality and privacy.

## 3 Notes of the last meeting

3.1 The Notes of the meeting held on 25 February 2022 were agreed as a true record of the meeting.

## 4 Progressing a Greener Planning Agenda – Update

4.1 The Deputy team Leader – Plan Making and Infrastructure gave a presentation and update. The Levelling Up and Regeneration Bill had been announced earlier in the week. Since the presentation to Members in December 2021, there had been no significant change to guidance

regarding climate change. A broadcast by the Chief Planning Officer on 12 May referenced an upcoming consultation on the revision of the NPPF which would likely include climate change measures, amongst a suite of DM policies. The revised NPPF would hold the same weight as a Development Plan.

- 4.2 The new Building Regulations come into force in June, the main changes being for carbon emission reductions of 30% for residential properties, 27% for non-residential properties, improved ventilation, prevention of overheating and installation of EV charging points.
- 4.3 Supplementary Planning Documents were promoted, the suggestion being that these would hold greater weight in future, provide certainty to the market, drive standards, be proactive and lead the way. They would be subject to public examination, but no detail of the process was yet available.
- 4.4 Ashford would continue the Fabric First approach which focuses on maximising the performance of the building envelope, rather than relying on renewables to reduce energy use. This can deliver significant benefits regarding combatting fuel poverty and minimise the need to retrofit.
- 4.5 In order to provide a strong evidence base for SPDs, viability work is likely to be necessary to fully understand the potential burden on developers and the wider impact on S106 contributions.
- 4.6 The Spatial Planning Manager continued the presentation. He outlined the intention for work on SPDs to be forward-looking, understand what was a requirement and what could be negotiated, stretch the ambition and work with the market, taking account of inherent risks. The SPD process was useful in that it required consultation and considered viability, raising the bar while keeping in view the cost to the industry.
- 4.7 The Chairman asked the team to consult the Housing team regarding upcoming development as a guideline on what was considered possible. This was accepted by the Spatial Planning Manager.
- 4.8 He also asked for proactive engagement with the larger developers working on schemes in the borough.
- 4.9 The Spatial Planning Manager explained SPDs could not introduce new policy, or change current policy, and require consultation but could be used to persuade for an enhanced standard. He had some concerns regarding staffing resource and the level of work in terms of addressing technicalities; a Viability Consultant may be required.

**Resolved**

**To**

- a. Agree the approach towards progressing an SPD.**
- b. Note and agree to accept the level of potential risk associated with producing an SPD.**
- c. Agree to officers collating the required evidence to justify the SPD and its content.**
- d. Note that officers intend to undertake informal consultation with the market to discuss the issues.**
- e. Note that officers will share the outcome of the preparatory work and the content of the SPD with Members at future Task Group meetings.**

## 5 Broad discussion around the Wates Tenterden appeal outcome

- 5.1 The Spatial Planning Manager drew Members' attention to the discrepancy between the 3.5 years' Housing Land Supply in the view of the Inspector, and 4.5 years' HLS calculated by ABC. This was because of the Inspector's view of the impact of the Stodmarsh issue, irrespective that the appeal site, just outside of Tenterden, was not in the Stodmarsh catchment area.
- 5.2 He noted that the Chief Planning Officer had sent a letter on the issue of nutrient neutrality nationwide, which had not been considered by the Inspector, and the Inspector had commented on the Tent 1b site.
- 5.3 A Member referred to the Queen's Speech which stressed that the views of local residents should be taken into account in agreeing planning permission. Tenterden residents had not been reluctant to accept new development in general, but were understandably upset at being offered the provision of a country park when the development would swallow up natural countryside.
- 5.4 A Member commented on the Inspector's views on nutrient neutrality and biodiversity evidence.
- 5.5 The Principal Solicitor – Strategic Development explained that the Judicial Review which the Council had commenced was a legal process, not an appeal to review evidence and consider a different outcome. It would focus on the way the Inspector arrived at and set out his decision, with a detailed and complex legal analysis. If a High Court judge were persuaded by the Council's arguments to give permission for a judicial review hearing to proceed, and if the judge hearing the case were then persuaded to quash the Inspector's decision, the planning application would then need to be decided again. A different Inspector would therefore be allocated to convene another full public inquiry, undertaken in the context of contemporaneous legislation and guidance, and take a fresh decision.
- 5.6 A Member enquired as to the effect of the 5YHLS for anything else that was pending. The Spatial Planning Manager believed the market would be highlighting the lower figure, because it was in their interests to do so.
- 5.7 A Member asked for an update on any other appeals. The Spatial Planning Manager agreed to share the information outside of the meeting.
- 5.8 The Chairman commented he believed the Council's application for a Judicial Review had raised Ashford residents' expectations, but that the JR outcome was uncertain.
- 5.9 A Member commented that progress on Stodmarsh would be best demonstrated by the purchase of land to create wetlands, and urged Members to continue to push senior management to proceed at haste.

### Resolved

**That the report be received and noted.**

## **6 Infrastructure and Developer Contributions SPD – First Thoughts**

- 6.1 The Team Leader, Plan Making and Infrastructure gave a presentation. He highlighted the Mid-Kent Audit for Section 106 contributions conducted in December 2021 which identified 13 actions, and the O & S Committee Section 106 Task Group's eight recommendations which were agreed by Cabinet in November 2021. There was some overlap and commonality, and eight themes had been recognised by Audit Committee on 5 April 2022.
- 6.2 A Root and Branch Review of the entire process would be carried out by Officer Working Groups from involved Council departments, and external bodies such as KCC.
- 6.3 Ashford had a good track record in securing and ensuring delivery of S106 obligations. The presentation showed lists of current obligations for local deliverables, KCC requirements, and wider community services and facilities.
- 6.4 It was suggested the additional could be Nutrient Neutrality Credits as mitigation for Stodmarsh Lakes, Biodiversity Net Gain of 10% or more as introduced by the Environment Act, measures to address the impact of Climate Change, and new requirements arising from the Levelling Up and Regeneration Bill.
- 6.5 The Bill proposed that S106 and CIL would be replaced by an Infrastructure Levy, with charging schedules for rates set locally and scrutinised nationally. It must deliver at least as much on-site affordable housing as previously. There would be a duty for LA's to prepare Infrastructure Delivery Strategies to define how the levy will be spent. Developers would be required to deliver certain types of infrastructure integral to the design and delivery of sites. Infrastructure providers would be obliged to engage in and respond to consultation as part of the Local Plan preparation.
- 6.6 ABC wished to future-proof against this as much as possible when carrying out the review process.
- 6.7 The obligation on infrastructure providers was welcomed; particularly the involvement of the police to help design out anti-social behaviour.
- 6.8 Concern was expressed to ring-fence funds for local communities, where larger or cross-boundary development was taking place.
- 6.9 A Member asked that the SPD take account of the lack of mains gas supply in rural communities. Renewable heating and lighting options were preferable to increased tankage of gas. Another Member had had success in persuading a developer to include renewables on a current scheme.
- 6.10 The Chairman requested a harder pushback on developers who were reluctant to consider renewables.
- 6.11 A Member expressed concern at the removal of public benches by the police to combat antisocial behaviour. It was agreed this could be helpful depending on the location of individual benches, but care needed to be taken to avoid eliminating beneficial facilities.

### **Resolved:**

**That the report and presentation be received and noted.**

## 7 Planning Reforms – Queen’s Speech 2022

- 7.1 The Team Leader – Plan Making and Infrastructure gave a presentation outlining the key changes mooted in the upcoming Levelling Up and Regeneration Bill. The bill be based on five principles and the consultation left many key questions unanswered. It was predicted the Bill could be enacted by the end of 2022 or early in 2023. A large number of future consultations on certain aspects were anticipated in the coming months.
- 7.2 The Chairman requested a copy of the presentation be shared with all Members of the Task Group.
- 7.3 Concern was expressed at the level of resource needed to prepare heritage asset registers. The Duty to Co-operate would likely exist for a few years still before removal. The removal of zoning proposals was welcomed as these were subjective and very emotive.
- 7.4 It was agreed that future meetings needed to consider the introduction of the Infrastructure Levy and the heritage assets register.
- 7.5 Councillors highlighted the need to take local residents’ viewpoints into account, utilising the Neighbourhood Plans consistently when making planning application decisions. Communities required support from ABC when compiling Neighbourhood Plans.
- 7.7 Planning team involvement in supporting Neighbourhood Plans was dependent on the time of request and resources available. It was important to avoid conflicts of interest which might jeopardise the Plans from being approved. It was agreed to provide more information on the process.
- 7.8 A Member reminded the Task Group on the necessity of speed to reverse the negative impacts of climate change on the planet. Neighbourhood Plans were critical to sustainable development.

### Resolved

**That the contents of the presentation, and the anticipation of further reports in due course, detailing the implications of the relevant draft legislation once published and once it begins its path through parliamentary procedures, was received and noted.**

## 8 Members’ Tracker

- 8.1 It was agreed that the Tracker be updated as follows:
  - Remove Government approach to zoning
  - Remove Duty to Co-operate
  - Remove S106 / ‘Infrastructure Agenda’
  
  - Add Heritage Assets
  - Add process for ABC Planning to support Neighbourhood Plan preparation

## 9 Date of next meeting

9.1 24 June 2022 at 10am on Microsoft Teams.

Councillor Bartlett  
Chairman – Local Plan & Planning Policy Task Group

---

Queries concerning these minutes? Please contact [membersservices@ashford.gov.uk](mailto:membersservices@ashford.gov.uk)  
Agendas, Reports and Minutes are available on: [www.ashford.moderngov.co.uk](http://www.ashford.moderngov.co.uk)

CONFIDENTIAL