

## **Local Plan & Planning Policy Task Group**

Notes of a Meeting of the Local Plan & Planning Policy Task Group held on the **27<sup>th</sup> April 2018**.

### **Present:**

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

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

### **Also Present:**

Cllrs. Burgess, Dehnel, Hicks, Wedgbury.

## **1 Declarations of Interest**

- 1.1 Cllr. Clarkson made a Voluntary Announcement as he was a Director of A Better Choice for Property Ltd and a Member of the Weald of Kent Protection Society.
- 1.2 Cllr. Shorter made a Voluntary Announcement as he was a Director of A Better Choice for Building Consultancy Ltd and Kent Play Clubs.
- 1.3 Cllr. Clokie made a Voluntary Announcement as he was a Member of the Weald of Kent Protection Society.

## **2 Notes of the Meetings held on 22<sup>nd</sup> November 2017 and 5<sup>th</sup> January 2018**

- 2.1 The Notes of the Local Plan & Planning Policy Task Group Meetings held on 22<sup>nd</sup> November 2017 and 5<sup>th</sup> January 2018 were approved.

## **3 Proposed revisions to the National Planning Policy Framework (NPPF) – proposed response to Government consultation**

- 3.1 The Head of Planning Policy introduced this item. He drew Members' attention to the five strategic key aspects of the proposed revisions to the Framework, and responded to questions on each topic as follows:

### Housing Need

- 3.2 The Head of Planning Policy explained that the proposed revisions included the possible introduction of a new method for calculating housing need in Local Plans. For the Council this would result in an increased annual need of 164 units per year as part of the annual housing need. This would not be applicable to the submitted Local Plan, which used existing methodology, but it would have issues for the review and update of the Local Plan once it had been adopted.

- 3.3 The Chairman opened up the item for discussion. Members expressed concern over the element based on the comparison between average house prices and average earnings. They considered that this concern should be reflected in the Council's response. The Head of Planning Policy said that this point had been raised in the draft response and it was likely that other organisations would also comment as it was desirable for the Government to set out precise clarification on this issue.

5 year housing land supply

- 3.4 The Head of Planning Policy said that the proposed revisions retained the requirement to demonstrate a 5 year housing land supply. However, there was a subtle, but significant change in the exact definition of what was considered deliverable. The proposed wording put an onus onto the Council to demonstrate positively that it would meet 5 year deliverability.
- 3.5 The Chairman opened up the item for discussion and the following questions/points were raised:
- In response to a question, the Head of Planning Policy advised that the new framework would be finalised in July 2018.
  - Members expressed concern over the option to produce an 'Annual Position Statement' and considered that the minimum period for this should fix the housing land supply position for a minimum of 3 years. They considered that the proposed response was not firm enough, and they would like to see a more robust challenge from the Council.
  - A Member asked whether the new legislation would put any pressure on developers to deliver and build out developments. The Head of Planning Policy responded that there was nothing in the new Framework to compel developers to change their current approach, and that the main thrust of the changes would affect Local Authorities only.

Housing Delivery

- 3.6 The Head of Planning Policy said that the proposed test of the number of houses built against the Council's housing targets was a crude one. He said that sanctions for failure to meet the test would involve accruing a greater buffer and presumption in favour of development, irrespective of being able to demonstrate a 5 year land supply. He considered this was not a fair and equitable test as in many cases the result was solely decided by how quickly developers built out.
- 3.7 The Chairman opened up the item for discussion and the following questions/points were raised:
- A Member noted that developers could deliberately fail to provide housing with no consequences to themselves. Members agreed that the words 'very little control' in the first paragraph on page 16 should be changed to 'virtually no control'.

- Another Member said this issue had implications for the new development at Chilmington Green. He considered that developers should be made to sign S106 agreements much earlier in the process to encourage them to build out. It was also suggested that there should be penalties for non-delivery. The Head of Planning Policy drew Members' attention to the Council's response, which referred to the proposals as a 'perverse incentive against swifter delivery of new houses'. He also pointed out that the draft response suggested that any Housing Delivery test in the NPPF should be suspended until more satisfactory proposals came forward.

#### Strategic & Local Policies/Neighbourhood Plans

- 3.8 The Head of Planning Policy said that the proposals in relation to Neighbourhood Plans could create problems as some areas in the Borough had Neighbourhood Plans and others did not. The Council had taken the approach that Parishes where Neighbourhood Plans had reached a certain point could set their own housing targets. In Parishes where Neighbourhood Plans had not reached this point, the target would be set by the Council's Local Plan. He considered that the new proposals were a recipe for confusion.

#### Maintaining Effective Co-operation

- 3.9 The Head of Planning Policy said the Government proposed the introduction of Statements of Common Ground, which were intended to produce evidence of co-operation with neighbouring authorities. Local Plans could be found unsound where such provision had not been made. This would require political collaboration with neighbours in the Plan-making process, and setting up processes with Officers and Members would take some time and protracted negotiations.
- 3.10 A Member expressed concern about how this could best be explained to residents, and that there could be consequences to the authority. There was the potential for difficult questions relating to meeting unmet housing needs of other districts. It was agreed that paragraph 2 on page 18 must be more robust. The Head of Planning Policy said that this would be a generic point for most authorities and that many would be responding in the same way on this issue.

#### Density Standards

- 3.11 A Member said he considered that the response could be stronger as there were associated problems with parking and high density developments.

#### Planning Conditions

- 3.12 The Head of Planning Policy said that the second paragraph on page 20 was the only concession to Local Authorities putting pressure on developers to build out, and it still only required the builder to commence activity. He considered that the Government viewed planning conditions as an impediment to building out. Members said that the response must include an argument to compel developers to build out and if they failed to do so, local authorities should have the means to revoke planning and take some form of action.

- 3.13 The Head of Planning Policy said that the final response to the proposals must be with the MHCLG by 10<sup>th</sup> May 2018. It was agreed that he would send round the draft final response to Members electronically for agreement. Cabinet would be asked to endorse the response at the Meeting on 10<sup>th</sup> May. It was agreed that the Chairman would write to the Minister formally advising that the Council had submitted a response and drawing attention to the salient points.

**Resolved:**

**That the Local Plan and Planning Policy Task Group endorses the responses contained within the report and recommends that the Cabinet agrees a response to the consultation on the draft reviewed NPPF on this basis, subject to the proposed revisions referred to in the discussion above.**

## **4 ‘Supporting housing delivery through developer contributions’ – MHCLG consultation paper**

- 4.1 The Director of Place and Space introduced this item. He said this was a consultation paper on CIL and S106 agreements, in which the Government sought to simplify the CIL system but expedite the money-collection process. He drew Members’ attention to the concerns and the proposed responses.
- 4.2 The Chairman opened up the item for discussion and the following questions/points were raised:
- A Member suggested that the issue of viability was one that could be discussed in open committee. Members and officers considered that this would be an appropriate approach.
  - The Director of Place and Space said that CIL gave an income flow on smaller developments, but didn’t fund major infrastructure. S106 funding was important to tie large infrastructure to larger developments. CIL was collected for each property and the Council was permitted to decide on priorities for spending CIL. The Head of Planning and Development added that CIL payments were a simplified system based on what costs a development could bear. The Head of Planning Policy said that once the Local Plan was adopted CIL charges would be clarified and information would be published early in 2019.

**Resolved:**

**That the Local Plan and Planning Policy Task Group endorses the proposed responses contained within the ‘Key Issues and Proposed Responses’ section of this report and, along with detailed technical responses from Officers, recommends that the Cabinet agrees a response to the consultation on the paper ‘Supporting housing delivery through developer contributions’ on this basis.**

## **5 Oral update on the Local Plan Examination**

- 5.1 The Head of Planning Policy said that the Examination appeared to be going well, and that he would keep Members updated going forward.

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