

**Agenda Item No:** 14  
**Report To:** COUNCIL  
**Date of Meeting:** 18<sup>th</sup> OCTOBER 2018



**Report Title:** CONSIDERATION OF A PETITION FROM “RURAL MEANS RURAL” RECEIVED BY THE COUNCIL

**Report Author & Job Title:** Vivien Williams – Head of Legal & Democracy  
Tim Naylor – Head of Planning & Development  
**Portfolio Holder:** Cllr. Neil Bell (Legal & Democracy)  
**Portfolio Holder for:** Cllr. Paul Clokie (Planning)

**Summary:** At the Cabinet meeting on 12<sup>th</sup> July 2018 a petition was submitted by a local group – Rural Means Rural. As the petition contained more than 1500 valid signatures, in accordance with Ashford Borough Council’s Petitions Scheme, it should now be debated at a Full Council Meeting to which all elected Members are invited. The procedure to be followed at the meeting is attached to this report, along with advice from Officers on the substance of the petition.

**Contact:** [vivien.williams@ashford.gov.uk](mailto:vivien.williams@ashford.gov.uk)  
[tim.naylor@ashford.gov.uk](mailto:tim.naylor@ashford.gov.uk)

## CONSIDERATION OF A PETITION FROM “RURAL MEANS RURAL” RECEIVED BY THE COUNCIL

### Introduction and Background

1. At the Cabinet meeting on 12<sup>th</sup> July 2018 a petition was submitted by a local group – Rural Means Rural. The citation of the petition is as follows: -

***“The campaign for Rural Means Rural is the voice of residents in the villages surrounding Ashford, Kent, who are concerned about the inappropriate housing development in the countryside and damage to the rural environment.***

***The petition calls specifically for the incorporation of our Landscape Protection Policy into the National Planning Policy Framework and for Ashford Borough Council to adopt this into their Core Plan 2030.***

***We are calling for:***

***Aldington to be given a rest from further development***

***Safeguard Shadoxhurst with a green belt to maintain its distinct identity***

***Keep Ruckinge and Bromley Green small and rural***

***Keep Brook green***

***Protect Hamstreet***

***(and others soon to follow...)***

2. As the petition contains more than 1500 valid signatures, in accordance with Ashford Borough Council’s Petitions Scheme, it should now be debated at a Full Council Meeting to which all elected Members are invited. The procedure to be followed at the meeting is detailed at Paragraph 3 of this report. Advice from Officers on the substance of the petition is contained from Paragraph 4 onwards.

### Procedural Matters

3. The Council’s Petitions Scheme provides for the following: -
  - If a Petition has, or acquires 1500 valid signatures, the issue will be debated at a full Council Meeting to which all elected members are invited.
  - At such a meeting, the Petition Organiser, in this case Mrs. Linda Harman (from Rural Means Rural), or someone nominated on her behalf will have the right to speak about the petition, normally for up to 10 minutes. Reasonable advance notice will be provided to ensure that any preparation can be undertaken in time – Mrs Harman has requested to speak and was advised in writing of the date for this meeting on the 17<sup>th</sup> July. Public speakers will not be allowed to take part in any debate.

- The Chairman of the Meeting will decide upon the amount of time to allow for the debate on the Petition, and will take account of the degree of public interest in the issue, the level of support given to the Petition and the number of elected members wishing to express their views on the subject.
- The Council accepts that it will not normally be sufficient for such a meeting merely to 'take note' of the Petition and that there should be a decision taken as to what other steps (including but not restricted to the actions specified below) should also be taken as a response.
- Among the actions the Council may undertake are one or more of the following:-
  - Taking the action requested in the Petition
  - Considering the Petition at a Council Meeting
  - Holding an Inquiry
  - Commissioning relevant research
  - Organising a public meeting
  - Mounting a wider public consultation
  - Meeting with the Petition Organiser or representatives of signatories
  - Providing a written response outlining the Council's views on the subject
  - Referring the issue to the Council's Overview & Scrutiny Committee **OR**
  - Referring the issue to the relevant Committee
  - Consulting statutory partners and local service providers
  - Instigating discussions with the voluntary and community sectors
  - Make representations to Commercial or other Interests
- The Petition Organiser will be formally notified of the decision taken at the Council meeting. This will take place within 5 working days.

**Members are reminded of the Rules of Debate at Full Council Meetings (outlined at Part 4, General Procedure Rules, Section 13 of the Constitution, and appended to this report at Appendix A). Of particular note are the following points: -**

- **Only one speech per Member, per motion. No speech to exceed five minutes.**
- **No motion to be debated until seconded.**
- **Amendments can only change the wording of a motion – not negate the effect of the motion.**
- **Once a motion is under debate, no other motion can be moved.**

## Officers' Advice

4. The following advice is intended to provide Members with the background relating to the action that the petition seeks, i.e. the inclusion of the proposed Landscape Protection Policy (LPP) into the Local Plan 2030.
5. It should be noted that the petition calls for the proposed LPP to be incorporated *'into the national planning policy framework'*. Members will be aware that this is not within the remit of the Council as national policy is determined by central Government. It is therefore only the element of the petition that relates to the Borough Council 'adopting' a specific LPP into 'the Core Plan 2030' which is of relevance. It is assumed that the 'Core Plan' means the Local Plan 2030.
6. It should also be noted that the petition suggests *'others soon to follow'* which is assumed to mean other settlements or areas in the borough that were soon to follow those listed in the petition in asking for a specific policy of protection. No further communication has been received on this and no guidance was offered as to when this might happen. The advice below is therefore limited to the general principle of the issues being raised.

### **Previous Consideration of Landscape Protection Policy**

7. The initial proposal: The proposal for a landscape protection policy of the type being promoted through the petition was first discussed with planning officers in 2016, during the Local Plan 2030 preparation process. A draft policy was prepared by Peter Brett Associates (PBA) – a planning consultancy - on behalf of, initially, Aldington, Bilsington and Bonnington Parish Councils, and subsequently Brabourne and Smeeth Parish Councils.
8. In summary, it sought to provide specific policy coverage to protect certain areas from development pressure. Exact areas were not identified, but the 'unique' environment around a number of villages was cited as being important, as well as the surrounding wider countryside, landscape and a range of other local features that contribute to the rural character of the area, including historically and ecologically important spaces around settlements.
9. Local Plan & Planning Policy Task Group – 18<sup>th</sup> April 2017: The merits of the proposed local landscape protection policy were presented to members in a report to the Local Plan and Planning Policy Task Group on the 18<sup>th</sup> April 2017 for debate.
10. In recognition of the concerns raised the Task Group resolved to amend and strengthen the Council's draft Policy ENV3 on Landscape Character and Design to create Policies ENV3a and ENV3b and agreed that "the remainder of the Plan, as written, and existing landscape designations, are sufficient to address the concerns of the PBA report for Saxon Shore".
11. The Notes of that Task Group meeting were received and noted at Cabinet on 15<sup>th</sup> June 2017.

12. Proposed Main changes to the Local Plan 2030 – summer 2017: The Council consulted on a number of proposed changes to the draft Local Plan 2030 in the summer of 2017 for a period of 8 weeks. These changes both responded to formal comments on the 2016 publication version of the Local Plan and also reflected changes to national policy. The changes to Policy ENV3 referred to above were included at this stage.
13. As part of this consultation, PBA (on behalf of the 'Rural Means Rural' group) made representations that urged the Council to include a specific landscape protection policy in the Local Plan 2030. These representations, along with all others, were forwarded to the Inspectors for consideration as part of the Examination.
14. Local Plan Examination in Public – ongoing (round table discussions with Inspectors held between April and June 2018). As part of the Examination in Public, the Local Plan Inspectors held a hearing session on the 13<sup>th</sup> June 2018 into the proposed Environment Chapter policies in the Submission version of the Local Plan. Prior to this session, a Hearing Statement was submitted by PBA on behalf of 'Rural Means Rural' which again sought to make the case for their proposed local landscape protection policy being included in the Local Plan. At the hearing session itself, the 'Rural Means Rural' group were also represented by PBA and made their case in favour of their proposed policy directly to the Inspectors.
15. On the 29<sup>th</sup> June, the Local Plan Inspectors issued a post-hearing Advice Note to the Council. With regard to the environmental policies in the Local Plan 2030, the Inspectors did not raise any significant concerns regarding their soundness, nor did they recommend that the Council should introduce a further specific policy on landscape protection.
16. Whilst the post-hearing Advice Note does not provide the Inspectors' final conclusions regarding soundness and legal compliance of the Local Plan, it does provide the Inspectors' advice to the Council as to the matters of soundness regarding the Local Plan 2030, given the evidence presented to date, and has provided clear indication as to the areas of the Plan that require further modification in order to be considered sound.
17. No specific landscape protection policy is being requested and so it can be concluded that the Inspectors have not been persuaded of the need or justification for the Local Plan to include the proposed Landscape Protection Policy advocated in this petition.

### **Potential Implications for the Current Local Plan Process**

18. The Inspectors have advised that subject to the outcome of the current process of consultation on Main Modifications to the Local Plan, they expect to present their final report to the Council in January 2019, which would enable the Council to adopt the Local Plan in February 2019. If the Council wanted to change its position now and seek to include the proposed policy in the Local Plan, there are some very significant implications which need to be identified.

19. Firstly, any new policy introduced at this very late stage of the Local Plan process would need to be justified by an evidence base, considered for Sustainability Appraisal if required, and publicly consulted on for a minimum of 6 weeks. Any representations received would need to be considered by the Local Plan Inspectors and it is possible that the Examination hearings may have to be re-opened to discuss them. As a minimum, the effect of an additional assessment and consultation period at this stage would have the effect of delaying the process of adopting the Local Plan well beyond the currently expected timescale of February 2019.
20. Any significant delay to the adoption of the Local Plan 2030 could have damaging consequences, for example, in reducing the ability to demonstrate a plan-led approach to meeting the 5 year housing supply requirement for the borough.
21. Secondly, a specific landscape protection policy (or something similar) would need to be justified in order for it to be successfully defended at a future Examination in Public. There would be a risk, given the Inspectors' interim conclusions, that this may not be possible where such a policy seeks a general restriction on development attributed in specific areas. Consequently, there would be a risk that the proposed landscape protection policy would not be found sound and the Council would, after consultation and consideration by the Inspectors, be required to reverse its position.

### **Conclusion**

22. As set out above, the issue of whether a specific landscape protection policy should be included in the Local Plan 2030 has been comprehensively considered and debated through the plan making process. This includes the promotion of a revised and strengthened Landscape Character and Design Policy by the Council, and debate at the recent round table discussions of the Examination in Public, an independent part of this process. Both the Council and the promoters of the LPP (who were professionally represented) presented their respective cases. Following this extensive process, the Inspectors' interim conclusions are clear – as set out in their interim Advice Note issued in June this year.
23. In summary, it is clear that the petitioners' case for the inclusion of their proposed policy has been the subject of considerable debate and discussion at several different stages of the Local Plan process and has been the subject of independent assessment and analysis through the recent Examination hearings. That is the right and proper process to have been followed. The Local Plan is now in the hands of the Inspectors and their report to the Council is expected shortly.

**13. Rules of Debate**

**13.1 No speeches until motion seconded**

*No speeches may be made after the mover has moved a proposal and explained the purpose of it until the motion has been seconded.*

**13.2 Right to Require Motion in Writing**

*Unless notice of the motion has already been given, the Mayor may require it to be written down and handed to the Proper Officer before it is discussed.*

**13.3 Seconded's Speech**

*When seconding a motion or amendment, a Member may reserve their speech until later in the debate.*

**13.4 Content and Length of Speeches**

*Speeches must be directed to the question under discussion or to a personal explanation or point of order. No speech may exceed five minutes without the consent of the Mayor.*

**13.5 When a Member May Speak Again**

*A Member who has spoken on a motion may not speak again whilst it is the subject of debate, except:*

- (a) to speak once on an amendment moved by another Member;*
- (b) to move a further amendment if a previous amendment is not carried or the motion has been amended since s/he last spoke (see 13.6 (d) and (e) below);*
- (c) if the Members first speech was on an amendment moved by another Member, to speak on the main issue (whether or not the amendment on which s/he spoke was carried) (see 13.10 below);*
- (d) in exercise of a right of reply (see 13.9 below);*
- (e) on a point of order (see 13.13 below); and*
- (f) by way of personal explanation (see 13.14 below).*

### **13.6 Amendments to Motions**

- (a) *An amendment to a motion must be relevant to the motion and will either be:
  - (i) *to refer the matter to an appropriate body or individual for consideration or reconsideration;*
  - (ii) *to leave out words;*
  - (iii) *to leave out words and insert or add others; or*
  - (iv) *to insert or add words.**

*as long as the effect of (ii) to (iv) is not to negate the motion.*

- (b) *Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of. A Member may, however, give notice of a further amendment (see, however, 13.7(c) below).*
- (c) *The Chairman may permit two or more amendments to be discussed together if this is likely to help the proper conduct of the business BUT each amendment must be voted on separately.*
- (d) *If an amendment is not carried, other amendments to the original motion may be moved.*
- (e) *If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.*
- (f) *After an amendment has been carried, the chairman will read out the amended motion before accepting any further amendments, or if there are none, put it to the vote.*

### **13.7 Alteration of Motion**

- (a) *A Member may when moving a motion of which she/he has given notice alter it with the consent of the meeting and the other signatories. The meeting's consent will be signified without discussion.*
- (b) *A Member may alter a motion which s/he has moved without notice with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion.*
- (c) *Only alterations which could be made as an amendment may be made.*

### **13.8 Withdrawal of Motion**

*A Member may withdraw a motion which s/he has moved with the consent of both the meeting and the seconder. The meeting's consent will be signified without discussion. No Member may speak on the motion after the mover has asked permission to withdraw it unless permission is refused.*

### **13.9 Right of Reply – Proposer of Motion Only**

*The mover of a motion has a right to reply at the end of the debate on the motion, immediately before it is put to the vote.*

### **13.10 Right of Reply – Upon Amendment to Motion**

*At the end of a debate on an amendment to a motion the order in which Members may speak is as follows:*

- (a) the mover of the amendment may respond to comments made during the debate;*
- (b) the Chairman of the relevant Committee or Leader or appropriate Cabinet (Executive) Member, if that Member has not already spoken in the debate otherwise than in accordance with Rule 13(12) and 13(13);*
- (c) the mover of the original motion who shall not otherwise speak on the amendment.*

**NB** *Other than as provided for at (i) above the mover of an amendment has no right of reply.*

### **13.11 Motions Which May be Moved During Debate**

*When a motion is under debate, no other motion may be moved except the following procedural motions:*

- (a) to withdraw a motion;*
- (b) to amend a motion;*
- (c) to proceed to the next business;*
- (d) that the question be now put;*
- (e) to adjourn a debate;*
- (f) to adjourn a meeting;*
- (g) that the meeting become a Committee of the Council;*
- (h) that the meeting of the Council be resumed;*

- (i) *to exclude the public and Press in accordance with the Access to Information Rules; and*
- (j) *to not hear further a Member named under Rule 19.3 or to exclude them from the meeting under Rule 19.4.*