

Local Plan & Planning Policy Task Group

Notes of a Meeting of the Local Plan & Planning Policy Task Group held on the **28th November 2018**.

Present:

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

Cllrs. Mrs Bell, Burgess, Dyer, Galpin, Smith, White.

In accordance with Procedure Rule 1.2(iii) Cllr. Smith attended as Substitute Member for Cllr. Michael.

Apologies:

Cllrs. Heyes, Michael.

Development Partnership Manager.

Also Present:

Cllrs. Blanford, Dehnel, Hicks.

Head of Planning Policy; Principal Policy Planner (AT); Principal Policy Planner (IG); Head of Planning and Development; Principal Solicitor (Strategic Development); Member Services and Ombudsman Complaints Officer.

1 Notes of the Meeting held on 25th October 2018

- 1.1 The Notes of the Local Plan & Planning Policy Task Group Meeting held on 25th October 2018 were approved and confirmed as a correct record.

2 Local Plan to 2030 – response to consultation on Proposed Modifications

- 2.1 The Principal Policy Planner (AT) introduced this item and highlighted key points in the report. She said this report was for Members' information only as the Council had not been asked to respond to or provide comment on the representations.
- 2.2 In response to a question about 'Help to Buy', the Head of Planning Policy clarified that under new policy HOU1 in the draft Local Plan, in the Ashford central wards developments of flatted accommodation would not be required to provide any form of Affordable Housing. The Principal Solicitor added that the new NPPF's definition of 'Affordable Housing' was not clear regarding equity loan schemes, so clarification had been sought from the Ministry of Housing, Communities and Local Government. The Ministry had recently responded and advised that properties purchased using the Government's 'Help to Buy' initiative did not qualify as Affordable Housing in NPPF or planning policy terms. The Chairman asked the

Head of Planning Policy and the Principal Solicitor to provide an information bulletin for Members and developers to clarify the situation. The Head of Planning Policy said he believed that developers were very clear on the interpretation of the NPPF guidance.

Resolved

That the report be received and noted.

3 Lower Thames Crossing

- 3.1 The Principal Policy Planner (IG) introduced this item and explained the main issues raised in the report. He said this was potentially a major infrastructure project and should be strongly supported by the Council as it would increase connectivity to Kent.
- 3.2 The Chairman opened up the item for discussion and the following comments/points were raised:
- One Member considered that the Council's response should put more emphasis on the need to upgrade the link from the M20 via the A229 to the new crossing. It should also emphasise that the A2/M2 upgrade must not be undertaken in a piecemeal manner, but should be an overall improvement, including at the eastern end of the A2.
 - A Member asked that the word "strongly" be added to the Council's consultation response on page 2 of the report, to read "The Borough Council strongly believes that the benefits of the new crossing can only be maximized" etc.
 - In response to a question about lorry parking facilities, the Principal Policy Planner said that in a previous response the Council had raised the issue of lorry parking provision and urged that this should be incorporated into the overall scheme.
 - A Member advised that individuals, as well as organisations, were invited to make their own responses to the consultation.
 - The Head of Planning Policy advised Members that it was important for the Council to respond to the consultation in a positive manner. At a recent KCC briefing he had been advised that there was less support for the proposals from organisations north of the river, so it was crucial to frame the Council's response in an enthusiastic and supportive fashion, as the proposals would provide significant benefits for the whole county.
 - The Head of Planning Policy reminded Members of the timescale of the project. He said that construction would not commence until 2021, followed by a 6-year construction period, resulting in a completion date of 2027 at the earliest.

- Members agreed that associated road infrastructure improvements should be worked up alongside the tunnel scheme so that they were in place when the crossing was completed.
- There was some discussion about the difficulties at the interchange at the top of Bluebell Hill. It was considered that priority should be given to improving connectivity and increasing the capacity of the A229 link and junctions at this point.

Resolved

The Task Group endorses the conclusion in the report and requests that the Leader responds to the consultation on behalf of the Council on this basis, as amended at the meeting.

4 Government response to supporting housing delivery through developer contributions and implications for CIL

4.1 The Principal Policy Planner (AT) introduced this item. She explained the proposed changes to the CIL regime and the proposed next steps for the Council.

4.2 There was some discussion and the following comments/points were raised:

- Members noted the substantial changes arising for the Council from the proposals to lift pooling restrictions. A Member asked how this would relate to recovering 'historic' S106 contributions for infrastructure. He asked whether the Council would now be able to add to those contributions. The Principal Policy Planner responded that once the regulations changed, it should be possible to add more S106 funding to such projects. The Head of Planning Policy said it would be necessary to give careful consideration to infrastructure which had already been delivered, as it would still be necessary to meet legal tests in order to levy S106 charges. If a piece of infrastructure was already in place, it may be more difficult to demonstrate that it met those legal tests. He said CIL could provide the flexibility to use it on schemes where S106 had already been levied. He said the government proposals were very beneficial to the delivery of infrastructure in growing areas such as Ashford, and the Council had lobbied to have the pooling restrictions removed. The Principal Solicitor advised that the new regulations had not yet been drafted by the Government, so the outcome was not yet known in detail.
- A Member asked how the Council would decide between charging CIL and S106. The Principal Policy Planner said that it was proposed to produce a Developer Contributions Supplementary Planning Document (SPD) which would set out more clearly where developments were expected to contribute via S106 agreements. The framework for this would be provided by the policies within the new Local Plan. CIL arrangements could be more flexible and could run alongside S106. The CIL charges would be set in advance, in a charging schedule, depending on the size, type and location of the development. S106 contributions would still be open to negotiation based on the parameters in the SPD.

- A Member asked whether CIL funds could be used towards the Pound Lane Link Road. The Head of Planning Policy confirmed that this would be the type of project where the Council could apply CIL contributions towards its delivery.
- A Member questioned whether CIL would be applied differently to commercial and residential development. The Principal Policy Planner confirmed that this was the case for both CIL and S106 contributions. Both would depend on the financial viability of schemes.
- In response to a question the Head of Planning Policy said that in his view the vast majority of funding for schools would still come through S106 contributions, and the Council would continue to rely on S106 agreements for bigger developments. The Council had good liaison with KCC over education provision and continued to be keen to establish education requirements as plans were made for larger developments to come forward.
- The Head of Planning and Development said that CIL may vary across the Borough according to land value and the viability assessment. He explained that S106 contributions had historically been used to mitigate the effects of developments. CIL was a more strategic resource that could be used anywhere in the Borough. The advantage of CIL was that it enabled a more strategic approach across the Borough.
- A Member said that the Council's aim was prosperity for all in the Borough, and that incoming funds needed to be spent in some parts of the urban area, and in some villages. Members would like to see Neighbourhood Plans encouraged so Parish Councils could claim the full 25% of CIL funds available to them. He advised that some businesses had not been claiming rates relief and officers were now working to ensure that all local businesses were able to take advantage of this relief.
- The Principal Policy Planner said that there had been changes to national guidance on viability assessments and land value. Officers would be looking at land values specifically in the forthcoming viability update work. They would consider the evidence base to see if the proposed CIL charges were still correct. A revised charging schedule would be put forward for consultation in due course.

Resolved

That the Local Plan & Planning Policy Task Group agrees the proposals in the report for bringing forward CIL in the Borough.

5 MHCLG consultation – update to national planning policy and guidance on housing need

- 5.1 The Head of Planning Policy introduced this item. He explained the proposals and the proposed response. He said the update was not so much a current concern but would have implications for the future and the next iteration of the Local Plan.

He suggested that the Council should respond to the consultation expressing some of the concerns raised in the past.

- 5.2 A Member asked about the 5-year housing land supply figure. The Head of Planning Policy said this was a complex issue and the team were currently working to ascertain the exact situation for the Borough. He confirmed that the land supply figure rolled over each April. The Local Plan-based figure would remain up to date until at least 31st October 2019 based on the approach set out in the new NPPF.

Resolved

The Local Plan & Planning Policy Group endorses the proposed responses to the consultation set out in paragraphs 7-12 of the report and requests the Portfolio Holder for Planning & Development to respond to MHCLG on behalf of the Council.

6 Dates of Next Meetings

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| 6.1 | 19 th December 2018 | 10am | Council Chamber |
| | 23 rd January 2019 | 2pm | Council Chamber |
| | 8 th February 2019 | 10am | Council Chamber |

Councillor Clarkson
Chairman – Local Plan & Planning Policy Task Group

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