
Planning and Transportation Policy Working Group

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, ME10 3HT on Tuesday, 19 September 2023 from 7.00 pm - 8.45 pm.

PRESENT: Councillors Kieran Golding, Alastair Gould, James Hunt, Elliott Jayes, Richard Palmer, Julien Speed and Karen Watson.

PRESENT (VIRTUALLY): Councillors Monique Bonney (Vice-Chair) and Mike Whiting.

OFFICERS PRESENT: Natalie Earl, Joanne Johnson, Kellie MacKenzie, Jill Peet and Anna Stonor.

OFFICERS PRESENT (VIRTUALLY): Jhilmil Kishore.

ALSO IN ATTENDANCE (VIRTUALLY): Councillors Rich Lehmann and Dolley Wooster.

APOLOGIES: Councillors Mike Henderson and Tony Winckless.

292 Election of Chair

Resolved: That Councillor Alastair Gould be elected Chair for the Municipal Year 2023-24.

293 Election of Vice-Chair

Resolved: That Councillor Monique Bonney be elected Vice-Chair for the Municipal Year 2023-24.

294 Emergency Evacuation Procedure

The Chair outlined the emergency evacuation procedure.

295 Minutes

The Minutes of the Meeting held on 20 February 2023 (Minute Nos. 667 – 671) were taken as read, approved and signed by the Chair as a correct record.

296 Declarations of Interest

No interests were declared.

Part A Recommendations for the Policy & Resources Committee

297 Terms of Reference

The Planning Policy Manager introduced the report as set-out in the agenda papers.

The Chair drew attention to the third paragraph of the Terms of Reference and asked that the word 'subcommittee' be removed as the meeting was a Working Group.

Recommended:

- (1) That the Terms of Reference for the Planning and Transportation Policy Working Group be agreed subject to the removal of the word 'subcommittee' from the third paragraph.**

298 Scheme of Delegation - Proposed Changes

The Interim Head of Planning introduced the report as set-out in the agenda papers.

The Chair invited Members to ask questions and make comments and points raised included:

- Who had agreed to set-up the Planning Improvement Board (PIB) and which committee had approved it and were they allowed to agree the current procedures?;
- Parish Councils often met after the initial 21 – day consultations so would they be given any leeway if that happened?;
- what was the public interest test?;
- if clear guidance was set-out then it would not be necessary to write to advise Parish Councils that an application would not be considered at Planning Committee?;
- recorded votes for each application could be time consuming;
- hoped that Parish Councils would still be able to submit concerns even if they missed the consultation deadline;
- important to have recorded votes as this would promote openness and transparency;
- agreed that some household applications had been a waste of the Planning Committee's time but felt there should be a mechanism to ensure exceptional applications were considered such as agreement of three Members;
- Parish Councils should be required to attend Planning Committee on any application they had called-in;
- there was no reason to remove delegation 2.8.15.2 and did not consider that it resulted in increased administration;
- did not support that Members who had voted contrary to officer recommendations should provide written reasons for officers as Members were not accountable to officers, but to their electorate;
- considered that providing written reasons to officers supported the Council's case at any subsequent appeal;
- recorded votes were a good use of democracy;
- Members were unclear what was deemed lobbying, it needed to be clear perhaps some guidance could be provided;
- any reference to "in the opinion of the Head of Planning" should be removed as it was too vague;
- the Council's constitution needed to be clear and up-to-date with the latest legislation;
- the Chair already had the right to remove any member of the public or Member from any meeting if they were acting inappropriately and needed to ensure any additional wording in that respect did not conflict with the existing code of conduct;
- when letters of representation were logged on the portal could an automatic reply be set-up explaining that it would be advisable to contact their Ward member if they wanted the item to be considered by the Planning Committee?; and

- the Court of Appeal had made it clear that Planning committees were not quasi-judicial and the constitution needed to be updated.

A Member suggested the following wording be added to the proposed new wording to delegation 2.8.15.2: “...statutory consultation period **or within any extension period agreed by officers and such consent not to be unreasonably withheld or delayed.**” This was agreed by Members. In response to a query from a Member, the Interim Head of Planning explained the deletion of the word ‘planning’ in respect of relevant considerations under this delegation was to ensure that no relevant representations were excluded.

The Interim Head of Planning agreed to find out the origin of PIB. The Chair said that he understood that the PIB consisted of members of the administration beginning to formulate ideas, but these would be adequately scrutinised at the PTPWG and the Policy and Resources Committee as appropriate.

The Interim Head of Planning said that with regard to the parish council consultation period, the proposed amendment was more about tightening the wording and less about setting the time limit. She said that if parishes requested an extension of time then officers would do their best to accommodate their request. The Interim Head of Planning agreed to add some wording outlining what the public interest test was and said officers were working on a draft Member Developer Protocol which would clarify what was considered as lobbying.

The Interim Head of Planning confirmed that delegation 3.1.38.5 would be amended to ensure that following a meeting of the Planning Working Group members of the public would be allowed to speak on the matter when it came back to the Planning Committee. She said that officers had considered including behaviour in the public gallery under delegation 3.1.38.5, but did not want to assume negative behaviour and the Chair already had the discretion to warn or eject anyone from the public gallery.

Discussion ensued and Members requested that following Members’ comments on the Scheme of Delegations and Committee Procedure Rules, as set-out in tables 1 and 2 of the report, this be updated to include the comments of the PTPWG and referred back to the PTPWG prior to proposing any changes to the Constitution Working Group.

Recommended:

- (1) ***That the Scheme of Delegations and Committee Procedure Rules, as set-out in tables 1 and 2 of the report, be updated to include the comments of the PTPWG and referred back to the PTPWG prior to proposing any changes to the Constitution Working Group.***

299 **Local Plan Review - Next Steps Discussion Paper**

The Planning Policy Manager introduced the report as set-out in the agenda papers.

The Chair invited Members to raise questions and points raised included:

- If the Council had a five-year housing land supply would the Local Plan be classed as out-of-date?
- adoption by 2025 was provided in paragraph 2.19 of Appendix I of the report, how

- could a timescale be given when the national picture was unknown?; and
- if the Council used the transitional arrangements, would we have to adopt the central housing target?.

In response the Planning Policy Manager confirmed that the Council's Local Plan was out-of-date regardless of the position in respect of the five-year housing land supply. She said that with regard to the 2025 deadline the Council could produce a Local Plan under the current system but they would need to do so under the transitional arrangements and adhere to the set timescales. Government expectation was that local councils would do their best to meet their full local housing need regardless of whether under the transitional or new arrangements. She added that Swale Borough Council (SBC) had been vocal about their concerns in how this could be achieved.

Recommended:

- (1) ***That the Policy and Resources Committee defer a decision as to a timescale for the future stages of the Local Plan Review until such a time as the national planning landscape is clearer, but independent of this process, to proceed to develop the evidence base regarding local development need and potential, with this process to be wholly reflective of local circumstance rather than central targets.***

300 **Medway Estuary and Swale Management Plan and Partnership (MEAS)**

The Senior Planner introduced the report as set-out in the agenda papers.

The Chair invited Members to ask questions and the following points were raised:

- Would Members be required to represent the Council on the partnership? If not, Members would need to pass their concerns on to officers; and
- supported joining the partnership and the Council needed to be a strong and vocal partner;
- had concerns that the Environment Agency were not listening to local residents about their concerns;
- considered the report could have gone straight to the Policy and Resources Committee;
- were the Lower Medway Internal Drainage Board (LMIDB) included? If they were then the Council's representative on the LMIDB needed to be sent the relevant information.

In response, the Senior Planner said that at this stage only officers were required to represent the Council on the partnership. She agreed to forward the relevant information about the MEAS to the Council's LMIDB representative.

Recommended:

- (1) ***That the proposed approach regarding partnership working on the Medway Estuary and Swale Coastal Flood Risk Management (MEAS) Programme be noted.***
- (2) ***That the Policy and Resources Committee agree that the Council joined the Partnership.***

301 Briefing on Kent County Council's consultation on the Local Transport Plan for Kent

The Senior Planner introduced the report as set-out in the agenda papers.

The Chair invited Members to ask questions and points raised included:

- Rural areas were severely disadvantaged by the cancellation of the rural bus network;
- proposed alternative rural bus routes were not working;
- local residents deserved better than the service they received from Kent County Council (KCC) Highways and Transportation; and
- how would the working group be able to make changes to the document when it could only make recommendations to the Policy and Resources Committee.

In response, the Senior Planner said that concerns regarding the impact on rural areas had been included within the consultation response to the document.

Recommended:

- (1) That the content of the consultation be noted.***
- (2) That Swale Borough Council's views on the consultation document be noted.***

302 Kent County Council's Enhanced Partnership, Local Focus

The Interim Head of Planning introduced the report as set-out in the agenda pack.

The Chair invited Members to ask questions and points raised included:

- Sceptical about setting-up a Local Focus Group (LFG) when KCC did not have the resources to support;
- the Council already had a lot of working groups for Members to attend; and
- the LFG was well attended by Members up until 2018 and a lot of ward issues were resolved.

Recommended:

- (1) That a Local Focus Group (LFG) as part of KCC's Enhanced Partnership hierarchy be set-up.***
- (2) That the LFG reported to the Planning and Transportation Policy Working Group (PTPWG) with the Chair and Vice-Chair of the PTPWG attending the LFG, with representatives from each of the four Area Committees.***

303 Bredgar Conservation Area Appraisal

The Senior Conservation & Design Officer (Projects) introduced the report as set-out in the agenda pack.

In response to a question from a Member, the Interim Head of Planning explained that there was no specific funding for the related recommended actions, however there were

budgets available once the work had been prioritised against other competing heritage priorities.

Recommended:

- (1) That the content of the public consultation draft of the character appraisal and management strategy document produced for the review, and the representations made on this by interested parties, as set-out in the report appendices be noted.**
- (2) That the Policy and Resources Committee supported and agreed the changes to the review document proposed in response to the representations.**

304 **Hartlip Conservation Area Appraisal**

The Senior Conservation and Design Officer (Projects) introduced the report as set out in the agenda papers.

In response to a question from the Chair, the Senior Conservation and Design Officer (Projects) said that the setting and historic significance of the orchard in relation to Hartlip Conservation Area was maintained.

Recommended:

- (1) That the content of the public consultation draft of the character appraisal and management strategy document produced for the review, and the representations made on this by interested parties, as set out in the report appendices be noted.**
- (2) That the Policy and Resources Committee supported and agreed the changes to the review document proposed in response to the representations.**

Chair

Copies of this document are available on the Council website <http://www.swale.gov.uk/dso/>. If you would like hard copies or alternative versions (i.e. large print, audio, different language) we will do our best to accommodate your request please contact Swale Borough Council at Swale House, East Street, Sittingbourne, Kent, ME10 3HT or telephone the Customer Service Centre 01795 417850.

All minutes are draft until agreed at the next meeting of the Committee/Panel