

**Council 19 October 2016 - Questions submitted by Members**

| Question No.   | Question from:      | Question:  | Question to: | Service area:   |
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| 1.   | Cllr John Wright    | At the last council meeting I asked a question of the Leader as regards the High Court injunction that was suspended by a Judge so travellers could remain on land in an unsustainable place. Can the Council Leader share the letter he wrote to our MP and the LGA as regards this decision that effectively disregards localism, local planning authority and inspectorate powers and decisions that effectively leads to planning by the courts? Can the Leader also share with us the current and rising cost of this occupation that now falls on the council tax payer? | Leader       | Head of Planning Services   |
| <p><b>Response:</b> There has been an e-mail exchange with Gordon Henderson MP in which the local ward member has been included. It is intended that a full case review will be undertaken by the Council's Legal Team, and a full briefing note will be drafted and circulated to Gordon Henderson setting out the background and chronology of events with regard to the Spade Lane case, and expressing the Council's frustration with the handling of this case within the courts. I will ensure a copy is sent to Cllr Wright. This is a prime example of what I consider to be a 'complete lack of teeth' within the planning system to bring to account those who I believe purposefully and forcibly develop land without planning permission. I am aware that Gordon Henderson is similarly bemused about the events, and will be taking this up with the DCLG.</p> <p>Additionally, I have raised the issue through my contacts within the LGA with the intention of finding other Councils that have had similar experiences recently, with a view to directly approaching ministers to bring this issue to the fore.</p> |                     |  |              |   |
| 2.   | Cllr Roger Truelove | <p>Do you agree with me that the proposal to relieve the stress experienced by road users on the Lower Road in Minster, in the Bartons Hill Area, is inadequate?</p> <p>The road needs action before 2019, and it needs a plan for widening and the adoption of a cycle route and a footpath.</p>  | Leader       | Interim Head of Economies and Communities and Head of Planning Services |

**Response:** Being very aware of the traffic issues being experienced on the Lower Road, Swale Borough Council made this its only priority for submission for funding through the Local Growth Fund (LGF). Having persuaded Kent CC to undertake some of the necessary technical work, two schemes were developed and subsequently submitted for consideration; one for the Junction improvements at Barton Hill only, and one for the junction improvement along with widening of the Lower Road to Cowstead Corner.

As the technical work progressed, the cost estimates rose to £1.8m and £6m respectively. Undoubtedly our preference would be for the latter, more expensive scheme. However, the analysis undertaken on behalf of the Kent and Medway Economic Partnership (KMEP) to determine the Kent priorities to go forward to the South East LEP indicated that the larger scheme ranked significantly lower than the junction alone against the criteria set. As such, a decision was taken by KMEP to advance the junction scheme only, with a high degree of confidence, and which has now in turn be approved by the South East LEP and submitted to Government. We await the Ministerial announcement of which schemes have been funded, probably as part of the Chancellor's Autumn Statement in late November.

Should there be further infrastructure funding rounds in future, Swale will look to ensure that the larger scheme be prioritised by the South East LEP.

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| 3. | Cllr Roger Truelove | Would you kindly comment on the reported view of the MP for Sittingbourne and Sheppey in reference to the planning consent for Moat Homes in Seager Road Sheerness that "the council must accept blame for this debacle"? | Cabinet Member for Planning | Head of Planning Services |
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**Response:** This case presents a very sorry state of affairs, where I believe the Planning Inspector's recent decision will give rise to community dismay and will result in impacts on neighbours privacy and amenity. Again this is an issue where decisions are being made which bring the planning system into disrepute, and favours those who purposefully bring forward unauthorised development.

It is not for me to comment on the original decisions made by the Planning Committee given its quasi-judicial role. However, I am aware that the original decision to grant planning permission was taken against a background of the need for housing, particularly affordable housing, and had raised significant concerns within the local community.

What was not agreed by the Planning Committee was the building of the blocks of flats 1.7 metres higher than granted permission, with the significant adverse impacts on the neighbouring residents' amenity and privacy.

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| 4. | Cllr Cameron Beart | In response to the Leader's Statement on the LGF Bidding Process in July, I asked if we could expect another two year wait for the roundabout on the A2500 Lower Road/Barton Hill Drive. In response, it was said that I was pessimistic. | Leader | Interim Head of Economies and Communities and Head of Planning |
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|   |                    | Considering the recent announcement by Cllr Matthew Balfour, KCC Cabinet Member for Environment & Transport, that work won't begin until 2019, would the Leader now agree with me that I was perhaps being overly optimistic, and could I ask for his commitment to continue pushing for this desperately needed infrastructure on Sheppey?  |                             | Services                  |
| <p><b>Response:</b> Members will be aware that the bid for funding required to upgrade the junction has been submitted to the South East LEP for Local Growth Fund (LGF) Round 3 funding, and that the scheme scored highly. We hope to have this confirmed in the Chancellor's Autumn Statement scheduled for 23 November 2016. Should the scheme be accepted then Kent CC will then need to produce a full business case for submission to the South East LEP Accountability Board to get the funding released.</p> <p>At the point of making the bid, it was indicated that a 2018 start may be possible, but this will be subject to the required processes and Kent CC's own resources, and as such Cllr Balfour's caution is understandable. I can, however, assure Members that should it be successful in securing funding, we will continue to push Kent CC for as early a start date for the scheme as is practically possible.</p> |                    |  |                             |                           |
| 5.  | Cllr Cameron Beart | Does the Cabinet Member for Planning agree with me that the decision issued by the Planning Inspectorate with regards to the blatant disregard shown to planning permission and this authority at Seager Road, Sheerness, is absolutely appalling?<br><br>And could he confirm if this council will be looking into taking any further action against this most unjust and undemocratic process? | Cabinet Member for Planning | Head of Planning Services |
| <p><b>Response:</b> I refer Cllr Beart to my previous response with regard to my views on this case. I am aware that the Council's planning and legal advisors have reviewed the Planning Inspector's decision, and regrettably I have to advise that that they do not consider that there are any areas for challenge, noting that such a challenge would need to focus on whether the Planning Inspector carried out the public inquiry and appeal processes correctly, and considered all the issues involved, irrespective of whether or not we agree with his conclusions.</p>   |                    |  |                             |                           |