

# BOXLEY PARISH COUNCIL

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**To All Members of the Council, press and public.**

5<sup>th</sup> September 2011

There will be a meeting of the **Environment Committee** on **Monday 12<sup>th</sup> September 2011** at **Beechen Hall, Wildfell Close, Walderslade** commencing at 7.30 pm when it is proposed to transact the following business;

1. **Declaration of Interest or Lobbying.** (7.30)  
Members are required to declare any interests or lobbying on items in this agenda.

2. **Apologies and absences** (7.31)  
To receive and accept apologies for absence.

**To adjourn to allow members of the public to address the meeting.**

3. **Minutes of the Meetings of 8<sup>th</sup> August 2011.** (7:32)  
To consider the minutes of the meetings and if in order to sign as a true record (already circulated).

4. **Matters Arising From Minutes.** (7.35)  
4.1 Minute 2319/4.1 Flytipping letters. PCSO Hawthorne has delivered this letter.  
4.2 Minute 2319/4.2 Boxley Road & Beechen Bank Road speed limit. Cost details awaited, the new company commences on 01.09.11 so a delay is expected.  
4.3 Minute 2319/4.3 Inconsiderate parking Walderslade Village/Boxley Road. Cllr Pepper was arranging to discuss the matter again with the Walderslade PCSO. Cllr Wendy Hinder was arranging to contact the Medway Councillor.  
4.4 Minute 2319/4.3 written report on KHS seminar to be produced by Asst Clerk it is hoped to supply this with the supplement agenda.

To adjourn to allow members of the public to address the meeting. (7.41)

5. **Planning Applications and Appeals for Consideration.** (7.50)  
To consider planning applications. Members' are reminded to consider possible section 106 requests or to suggest any conditions.  
MA/11/0953 erection of 2 rear extension and roof conversion at Wilmarie and Northview, Chatham Road, Sandling. To ratify Asst Clerk's decision, after discussion with Cllr Ivor Davies and Cllr Wendy Hinder *do not wish to object*.

MA/11/1310 erection of a 2 storey side and rear extension and single storey front extension at 2 Nutwood Close, Weavering 20.09.11.

MA/11/1370 erection of a single storey rear extension at Buxlee, Tyland Lane, Sandling 28.09.11.

MA/11/1387 erection of first floor extension and conversion of garage into additional living accommodation at 2 Threshers Drive, Grove Green 29.09.11

6. **Planning applications taken to Planning Committee.** (8.00)  
 Planning rota – Cllr Brooks 22nd September 2011.
7. **Planning Applications and appeals decisions.** (8.02)  
 To note the Maidstone Borough Council’s planning application decisions and Secretary of State’s appeal decisions. Asterisk \* indicates decision contrary to parish council views.
8. **Walderslade Woods and Volunteer Group** (8.08)  
 To receive a report and an update on the group.
9. **Highways and Byways.** (8.20)  
 9.1 MBC request for “congestion suggestions” see report (page 4).  
 9.2 Grovewood Drive North. The planned resurfacing has been postponed; some pot holes have been filled.  
 9.3 New Street name for the development of 9 houses in Franklin Drive, Grove Green. The developer has suggested Green Pastures as this was the previous owners’ unofficial name for the property. Deadline for response to MBC 19/09/11. Members are invited to come up with suggestions to be voted on at the meeting. Local councillors have been approached and have suggested that the word Orchard is used in the address but there are numerous The Orchard addresses in the area. Cllr Harwood notified the office that Damson orchards were in the local vicinity.
10. **Neighbourhood Development Plans.** (8.28)  
 To consider the style and content of a draft document for Walderslade and Lordswood which will be supplied to members once it is completed (but in good time for members consideration).
11. **Strategy for dealing with highway issues not receiving KHS funding.** (8.40)  
 To consider how to deal with issues notified by residents but for which there is no KHS funding see report (page 4).
12. **Local Planning Regulations Consultation.** (8.48)  
 To consider the consultation see report (page 5-7).
13. **National Planning Policy Framework.** (8.58)  
 To consider the consultation see report (page 7 -18)
14. **Policy and procedures review.** (9.15)  
 Pre application discussions see report (page 18)
15. **Review of 2011/12 Projects.** (9.20)  
 15.1 Grant, benches at Weaving Heath. MBC is in the process of obtaining further quotes for the work and it is hoped to have to have information for the meeting (last update received 01.09.11).  
 15.2 Trees Cobtree Country Park. Red (as this is not within PC control). MBC has been reminded that the trees must be purchased and planted this season otherwise the grant is withdrawn. Last reminder August 2011.
16. **Budget 2012/2013.** (9.23)  
 16.1 Members are reminded that they should notify the parish office of any projects that they wish to see included in the draft budget.  
 16.2 Cllr Smith has suggested that signs need to be placed at the ends of Westfield Sole Road to ask drivers to slow down etc. This is not a recognised sign for this

road and its current speed limit and due to the lack of personal injury crashes KHS will not review the speed limit or fund any changes. Members are aware of the problems faced by drivers in this road do they have any suggestions on how the situation could be improved and whether they feel the parish council should fund it (being dealt with at item 11).

17 **Matters for information.** (9.28)

Land at Bearsted Rd/New Cut. The response from MBC (Heritage, Landscape and Design Team Leader) to the Council's concerns was "I, too, am concerned about the potential loss of this site. As I am sure you are aware there is a new TPO protecting one of the trees on the site. The backdrop trees are not part of the land that was sold at auction. In terms of protecting the wildlife value of the site, unfortunately under current legislation there is nothing this council can do at this stage. However, if the new owner starts destroying protected species then Natural England can take action with the support of the Police. The only other option that I can suggest is for you to approach the KWT about whether the site has the necessary attributes for a Local Wildlife Site but, even then, that wouldn't necessarily achieve what you are after. Sorry I can't be more helpful."

18 **Next Meeting.** (9.30)

Next environment meetings 5<sup>th</sup> and 12<sup>th</sup> September 2011 (full) at Beechen Hall commencing at 7.30 p.m.

In view of the confidential nature (personal details and data) on the Enforcement item about to be transacted, it is advisable that the public and press will be excluded from the meeting for the duration of or part of the item.

19 **Enforcement and Section 106 updates from MBC.** (9.31)

To consider any confidential information (if received).

Clerk to Boxley Parish Council

**Item 9.1 Congestion suggestions.** *Purpose of item; members to decide on a response to the request from MBC.*

Where are your gridlock hotspots in Maidstone?

As part of Maidstone Borough Council's latest scrutiny review that's the big question being asked by the [Regeneration & Economic Development] committee.

As part of the Committee's work programme members have chosen to review traffic congestion in Maidstone. The committee, chaired by Cllr David Burton, is asking where do you always get stuck in you car when driving, are there enough parking spaces or could there be more?

Cllr Burton said: "This is your opportunity to give us your opinions, comments and feedback on congestion because it will form part of the review and the outcomes of the review. We are seeing what other councils are doing and it's about lessons to be learnt."

Both the urban and rural areas of Maidstone will be looked at as part of the review.

The main objectives of the review are:

- To identify how to unlock the congestion and capacity of traffic in Maidstone town, by finding out how other towns tackle the issues;
- To investigate the consideration given to new developments by the planning authority in relation to traffic volume and road maintenance;
- To look at the future of modern technology. Using electric cars will not solve the traffic congestion;
- To establish ways to encourage the residents to promote car sharing and public transport; and
- To make recommendations as appropriate.

In June, the Committee visited the Traffic Control Centre in Maidstone, which gave a good starting point for establishing a 'birds eye view' of the problem, however, they'd like to know what your thoughts are as commuters using the roads.

The deadline for submissions is September 30, 2011.

**Item 11 Strategy for dealing with highway issues not receiving KHS funding.**

*Purpose of item; members to decide on any policy etc. Any strategy or procedure that has policy or financial implications will need to be a recommendation so that it can be taken to the Parish Council or Finance Committee.*

This was deferred from the August meeting for consideration. KHS has extremely restricted funding, as does MBC and members need to discuss whether they would want to adopt a strategy or procedure to deal with issues raised by residents which do not attract funding.

Members are faced with a number of options;

- a. Do nothing if funding was not forthcoming from KHS.
- b. Refer all issues to Paul Carter with or without a request that he consider allocating some of his member's highway budget.
- c. Consider funding, all or part funded by the County Councillor. This being subject to conditions (which members must decide on) to ensure that: the work was relevant; it benefited a number of residents rather than one resident; the gain was commensurate

with the expenditure; it was a safety rather than a cosmetic issue; it was work that KHS felt was needed etc.

- d. Wait for the Localism and Big Society legislation/guidance and then consider the issue then.

If members wish to be able to contribute financially towards issues (and any financial allocation will need to be cleared by the Finance Committee) that it feels need funding then there are the following options;

- e. Ask the Finance Committee to agree to release a sum from the contingency budget.
- f. Prepare the 2012/13 draft budget and include a sum (this would have to be passed by the Finance Committee/Parish Council).

*Clerk's comment: members have previously considered the issue of double taxation and if members choose to fund (part or fully) any work then this may lead to criticism from parishioners, especially if the Precept is raised to accommodate any expenditure. This is not to say that you cannot decide to do this but you must feel comfortable with the decision and willing, if challenged, to justify your decision. Creating a strategy and procedure for dealing with requests is an open and accountable way of proceeding. The Council has already decided, by its actions, to supplement KHS funding (crossing at Provender Way, legal work Beechen Bank Road/Boxley Road and bus shelter A229).*

**Item 12 Local Planning Regulations Consultation<sup>1</sup>** Purpose of item; to decide response to a Government Consultation. Deadline for consultation response 7 October 2011.

KALC Summary.

The current process of preparing a local plan is set out in the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Development)(England) Regulations 2004, as amended. The Government intends to use the Localism Bill<sup>1</sup> to remove centralised bureaucracy and return decisions to local councils and communities. This would be in particular through the abolition of regional strategies, the introduction of neighbourhood plans and the streamlining of local plans. The consultation on Local Planning Regulations sets out the background to amending the regulations on preparing local plans and seeks views on the Government's proposals. It does not seek views on the provisions in the Localism Bill, or the National Planning Policy Framework but asks for comments on how the regulations have responded to the planning reform programme.

Clerk's briefing note. This document is consistent with the Governments' aim to cut red tape and streamline regulations. It has regular referrals to the Localism Bill to try to connect the documents (to enable it to be reduced in size) unfortunately such streamlining requires intimate knowledge of the document being referred to – this is difficult in this case as the Localism Bill is being changed almost daily.

In revising the Local Planning Regulations there is no real change to the way that the actual plans are prepared. Certain areas have already been taken out by the Localism Bill and this consultation is only dealing with the administrative procedure side of how, why and when to do the actual work. For example one of the stream lining improvements is the abolition of the need to ask the Secretary of State for permission to withdraw a document that common sense indicates must be withdrawn.

The following might help members to understand the connection between all these types of documents and the Localism Bill

#### **“Adoption of local plan documents**

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<sup>1</sup> [www.communities.gov.uk/publication/localismbill](http://www.communities.gov.uk/publication/localismbill)

The Government believes that despite the great benefits for communities of having an up-to-date development plan in place, the current process for preparing local plans does not always allow a local council or their communities to have ownership of their plan. The Government wants to change the process, and make it simpler and more transparent.

Local councils are currently required to submit their draft plan for public examination by an independent inspector, appointed by the Secretary of State. Following the examination, the inspector produces a report which may modify the plan, which a local authority must accept before they can formally adopt the plan. These changes can therefore feel imposed.

Therefore, in the Localism Bill, we propose to remove the inspectors' powers to impose changes. Inspectors will report to the local authority and identify conflicts between the plan and national policy and regulatory process. However, they will only be able to recommend modifications to overcome these issues if the council asks them to. In addition, councils can suggest their own modifications for assessment by the Inspector during the examination, as well as making minor non-material changes themselves. The council is then free to choose to accept the inspector's modifications and adopt the plan, or resubmit a new plan. This approach will encourage a more collaborative process as the examination becomes more recognised as a forum for mediation".

The consultation asks 4 specific questions:

**1) Do you agree that the revised regulations effectively reflect the changes proposed in the Localism Bill?**

*Clerk's suggested response. Yes.*

**2) Do you agree with the list of bodies included in the duty to cooperate?**

*Clerk's comment and explanation:* The Localism Bill introduces a new duty to co-operate, which will require councils and other public bodies to work together on planning issues.

The draft Local Planning Regulations set out the proposed list of bodies (*interpretation para 2*) that this duty will apply to. This list does not however include 'Relevant authorities' which is the title under which Parish Councils and the Police are placed. On reading the draft regulation I also cannot see any sentence/paragraph that specifically requires relevant authorities to be consulted. The regulation regarding consultation actually refers to 'general consultation bodies' and whilst this list is quite long and the LPA can 'read into it' that a parish council has to be consulted it does not specifically state that it must. There is also a mistaken referral from paragraph 31 to 21(5)(b).

*Clerk's suggested response. Yes however there is a need to amend the regulations to ensure more clarity on which authority or group is compulsory consulted on planning issues. A Parish Council and the Police are listed under 'relevant authority' however the duty to consult only refers to 'general consultation bodies'. This would allow an LPA to assume that a relevant authority need not be consulted and this is not acceptable. No other reference regarding consultation with 'relevant authorities' can be found in the regulations.*

*Please also note that a referral in the regulations from paragraph 31 to 21(5)(b) and this is a typing error as there is no 21(5)(b).*

**3) Do you agree the revised regulations effectively consolidate the 2004 regulations with the revisions in 2008 and 2009?**

*Clerk's suggested response. Yes.*

**4) Are there any ways in which regulations should be changed in order to improve the process of preparing local plans, within the powers set up in the Planning and Compulsory Purchase Act 2004 and the Localism Bill?**

*Clerk's suggested response. There is no requirement for the local planning authority to have pre-submission consultation/discussions with relevant authorities, for instance a parish council. It appears that the Government will rely on Neighbourhood Development Plans being produced to 'guide' LPAs on local views. However it is likely that many parish*

*councils/communities, due to the cost of production and cost of the required referendum may be placed in a position where they cannot afford to produce NDPs. Thus without pre-submission consultation/discussions a draft document could be produced that will be imposed rather than owned by the community.*

*There is no requirement in the draft regulation for LPAs to re-consult on any modifications suggested by the Planning Inspector or modifications suggested by the LPA. Without some form of re-consultation, and it could be a simpler form of consultation (for example an e-mail to the relevant authorities and General Consultation Bodies with a 2 week deadline for response), then the community will again have something imposed on it.*

**Item 13 Briefing paper Draft National Planning Policy Framework Consultation.**

*Purpose of item; to decide a response to a Government Consultation. Deadline for consultation response 17th October 2011.*

Background. The Government intends to radically streamline existing Planning Policy Statements, Planning Policy Guidance Notes and other documents with a National Planning Policy Framework and is undertaking consultation.

A single document would take the place of one thousand pages of regulations and guidance and the Government considers that this will provide clarity and be a simpler, swifter system that is easier to understand. One of the Governments stated aims is to empower communities by using the Neighbourhood Development Plans\*.

*\*Clerk's comment; There is a flaw in this rationale as Neighbourhood Development Plans proposals only allows a community to propose development and specifically ban a community from refusing development.*

Whilst Government literature lauds the empowerment of communities and the need for strong sustainable growth other groups (CPRE for instance) have issued strong objections as the presumption of the document is in favour of building "decision makers at every level should assume that the default answer to development proposals is 'yes' except where this would compromise the key sustainable development principles set out in this framework".

*Clerk's comment; Paragraph 15 of the consultation document states that there will be a 'strong presumption in favour of sustainable development'. It is likely that this presumption will be impossible to change so the Council must be satisfied that the 'sustainable development' stance is supported by strong policies etc.*

*Clerk's tip; when consulting the document it sometimes helps to use the search button for key words. The consultation questions do not link to specific paragraphs and sometimes information is actually contained in the 'other considerations' section which can appear not to be part of the actual document.*

Response to the consultation. Deadline for response 17<sup>th</sup> October 2011. The response is in the following format (tick boxes by the strongly agree etc. choices has not transferred).

1(a) – Do you agree?

Strongly agree

Agree

Neither agree or Disagree

Disagree

Strongly Disagree

1(b) Do you have comments? (please begin with relevant paragraph number)

To aid members' discussion a suggested response is included in an appropriate place within Cllr Harwood's summary. Cllr Harwood has not covered all aspects of the consultation and further suggested responses have been made by the Clerk at the end of the document.

**Summary of the Draft National Planning Policy Framework.** The following was received from Cllr Harwood and it is being submitted to members as the Clerk considers it is an accurate summary that appears to reflect previously voiced concerns raised by members.

From Cllr Harwood; This is all a bit stream of consciousness and rough around the edges (not even proof read), however, please find attached my first thoughts on the Draft National Planning Policy Framework. Not sure if this could potentially assist the Parish Council planning team in their deliberations on the subject.

A successful planning system must be based upon an equilibrium between competing objectives and imperatives and crucially must take a long-term view. However, local residents and local authority planners have long been concerned that scales have been weighted too heavily towards the interests of developers, landowners and their agents - to the detriment of community, economy and environment. This said the planning system has had notable recent successes such as the brave publication of PPG3 / PPS3, which temporarily arrested the relentless attrition of our countryside and the decline of our town centres through incentivising regeneration of sustainable urban residential and employment development. Without PPG3 / PPS3 there would be far more urban sprawl, declining urban environments and traffic gridlock / air pollution. Any new planning policy framework which facilitates an abdication of virtuous holistic planning controls and in favour of the return of a laissez faire approach to planning will do immediate and irreversible damage to our communities and wider environment and will plainly benefit the few at the expense of the many.

The following detailed critique addresses specific issues pertaining to the individual chapters comprising the framework:

### **Introduction**

This section is rather soulless and technocratic and should seek to articulate a bold statement that Government intends to use the planning system to protect and enhance our peerless yet threatened landscape and countryside and drive a renaissance in the quality and attractiveness of our cities, towns and villages. The full import of the challenges facing our country in relation to demographic change/population growth, the growing social divide, adaptation to climate change, de-carbonising our economy, agriculture and food supply and loss of biodiversity need to be tackled head-on as central to this national planning vision. Indeed, the international and global significance of the UK planning system, reference our influence, leadership and good practice in this field and the size of our economy and negative environmental impact, should be stressed.

### **Delivering Sustainable Development**

This section is flawed and unbalanced and fails to understand the level of threat to our environment and communities from a profit driven and well-funded development community. Government has a responsibility to protect and act as a custodian for our landscape, countryside, cities, towns and villages. This section amounts to a developers charter with local knowledge and decision making abdicated to statements such as "grant permission where the plan is absent, silent, indeterminate or where relevant policies are out of date", which will allow developers, their agents and legal representatives to challenge any attempt to shape local development and protect landscape, environment and communities. Developers already have a huge advantage over communities and local planning authorities in the legal and financial arms race and such statements will spawn challenge after challenge to local decision.

Statements made at paragraph 18 in relation to good design and appropriate location are a pipe dream if the planning policy tools are not available to deliver such aspirations - for example developers routinely challenge planning authority attempts to deliver more

sustainable development through attainment of higher levels of scoring against Code for Sustainable Homes.

Inflated land values are at the core of the problems facing development in this country in terms of viability and good quality development. The influence of landowner and land agents in inflating land values and facilitating stasis in terms of environmental improvements and well planned communities through "land banking" must be tempered by the planning policy framework firmly stipulating local development quality requirements. Further, the ability to incentivise regeneration of expensive to develop (often urban sites). The "developers charter" approach outlined within the Draft National Planning Policy Framework will see a major shift in development interest away from "difficult" regeneration sites" and towards "easy" green-field sites, with all the attendant social and environmental damage that this will engender. The environmental damage wrought by the "scorched-earth" approach favoured by many developers who devastate biodiverse and attractive sites to assist their development chances must also be tackled head-on.

The core planning principle reference to the "default answer to development proposals is yes" undoes at a stroke the positive influence of our Town and Country Planning provisions. There must be no "default answer" rather a virtuous planning framework within which new development must fit to deliver maximum benefits. Though this may seem like a clever sound-bite it is dangerous and will damage our nation, and indeed planet. It must be removed.

However, laudable core planning principles are contained within the document but they will need a strong policy framework to deliver them, which is undone by the over-arching policy statements contained within the draft framework. Good planning in terms of location and design is the key to delivery of these aspirations and the delivery methodology must be better explained. Indeed, the practicalities of delivering the statement "ensure local communities benefit directly from development" are fraught and experience teaches that the "development gain" brings no benefits for local residents and is more about enabling even more development or delivering parochial or municipal initiatives with little or no local support that further undermine social cohesion or the local environment. Again, this suggest that more not less planning is required to establish a virtuous sustainable local vision for communities urban and rural, however, in reality land "hope value" and land-owner / agent desire to extract maximum profit from their land usually frustrates such local aspiration.

Clerk's suggested response to the consultation question;

**The Framework has the right approach to establishing and defining the presumption in favour of sustainable development.**

1(a) – Do you agree?

*Strongly Disagree*

1(b) Do you have comments? (please begin with relevant paragraph number)

*Members may wish to take in, with a few tweaks, all of Cllr Harwood's comments (above). If so are members happy for the Clerk to organise the comments into a response?*

### **Plan Making**

A key thread running through this section should be the need for a robust national frame work on development quality and sustainability. A level playing field is required in this regard to prevent divide and rule by developers legal representatives and to enable the most sustainable patterns of development. For example, some local planning authorities are very lax in their quality and sustainability requirements, in areas such as Code for Sustainable

Homes or BEEAM standards for example, this is presumably to remove barriers to development (which are usually far more led by macro-economic imperatives) but are in fact mainly used by developers to challenge attainment of quality in neighbouring areas. Similarly, many geographical locations are clearly less environmentally sustainable than others in terms of development potential, in terms of isolation or landscape quality for example, and Government must exercise a virtuous overview in ensuring that new development takes place in the most environmentally sustainable pattern for the national and global good. In microcosm this issue is well-illustrated in relation to local needs affordable housing where there may be a desire from small settlements for such development, though the isolation and paucity of social infra-structure within the settlement would have major social and environmental disbenefits. Again Government must consider the bigger picture and ensure virtuous national strategic input, and also perhaps a renaissance of County Structure Plans, if truly sustainable development is to be delivered.

The infrastructure requirements section must specifically ensure optimum environmental sustainability and major on development site location. Too often development sites are dictated by the geographical spread of developer options rather than the sustainability of the site. This leads to inflated infrastructure costs and environmental damage. Local planning authorities must be given greater influence over the identification of potential development land. Current viability criteria mean that too often the only game in town are sites with developer options upon them.

The environmental assessment section should stress the value of local knowledge and the production of an effective and simple tool kit for protection and enhancement of the environment. Current prescriptive guidance on landscape and vague guidance on biodiversity does not deliver for anybody but consultancies!

The section relating to ensuring viability and deliverability must incorporate enough flexibility to enable the incentivisation on "difficult" regeneration sites. It is clear that infra-structure levy charges cannot operate on a one size fits all basis. Perhaps a green-field / brown field gearing should be stipulated within the national framework?

The neighbourhood plans section must ensure that environmental sustainability is fully respected. Too often local politics have led to sensitive or unsustainable locations being proposed for development. There can be no weakening of environmental protection at the local level and strategic imperatives must inform local choices.

*Clerks' comment; The requirement for brownfield site development before greenfield sites target will be abolished by this framework document.*

Clerk's suggested response to the consultation question;

**Plan-making. The Framework has clarified the tests of soundness, and introduces a useful additional test to ensure local plans are positively prepared to meet objectively assessed need and infrastructure requirements.**

2(a) Do you agree?

Neither agree or Disagree

2(b) Do you have comments? (please begin with relevant paragraph number)

*Clerks suggested response (this will be tidied up with paragraph numbers etc. added); A key thread running through this section should be the need for a robust national framework on development quality and sustainability but unfortunately this is missing from this document. Areas that are considered weak and need amendments are*

- Similarly, many geographical locations are clearly less environmentally sustainable than others in terms of development potential, in terms of isolation or landscape quality for example, and Government must exercise a virtuous overview in ensuring that new development takes place in the most environmentally sustainable pattern for the national and global good.
- Need to set strict standards that must be met to ensure BEEAM standards and sustainable homes are enforced.
- The infrastructure requirements section must specifically ensure optimum environmental sustainability and major on development site location. Too often development sites are dictated by the geographical spread of developer options rather than the sustainability of the site. This leads to inflated infrastructure costs and environmental damage. Local planning authorities must be given greater influence over the identification of potential development land.
- The environmental assessment section should stress the value of local knowledge and the production of an effective and simple tool kit for protection and enhancement of the environment.
- The section relating to ensuring viability and deliverability must incorporate enough flexibility to enable the incentivisation on "difficult" regeneration sites. It is clear that infra-structure levy charges cannot operate on a one size fits all basis. Perhaps a green-field / brown field gearing should be stipulated within the national framework?
- The neighbourhood plans section must ensure that environmental sustainability is fully respected. Too often local politics have led to sensitive or unsustainable locations being proposed for development. There can be no weakening of environmental protection at the local level and strategic imperatives must inform local choices.
- The requirement for brownfield site development before greenfield sites can be used must be reinstated.

#### **Joint Working.**

**The policies for planning strategically across local boundaries provide a clear framework and enough flexibility for councils and other bodies to work together effectively.**

2(c) Do you agree?

Disagree

2(d) Do you have comments? (please begin with relevant paragraph number)

Neighbourhood Development Plans paragraph 22. The Governments assumption that all communities are NIMBYs is insulting to the hard work of many parish councils and local groups. Insufficient consultation, consideration of local issues and lack of enforcement on planning contravention by Local Planning Authorities has created an air of mistrust in many communities. The Neighbourhood Development Plans do not return power to the community which is barred, in the original document, from refusing development even if it has extremely good reasons and, therefore, must go to appeal to fight the case. Also NDPs are a financial burden on a local community as the parish council must pay for a referendum.

The Framework is a one way document only – this is shown by the '*strong presumption in favour of sustainable development*' stance. Parish Councils and local communities can be responsible planners however in order for this to succeed they must be treated fairly and the draft framework is a developers dream as it supplies the flexibility for them but none for a parish councillor local community.

**Decision Making.** Clerk's suggested response to the consultation question;

**In the policies on development management, the level of detail is appropriate.**

3(a) – Do you agree?

*Strongly Disagree*

3(b) Do you have comments? (please begin with relevant paragraph number)

*A strong policy framework is required to deliver planning and unfortunately this document is too vague. In trying to simplify the system too much detail has been lost and this is to the detriment of the planning system and management of that system.*

**Any guidance needed to support the new Framework should be light-touch and could be provided by organisations outside Government.**

4(a) – Do you agree?

*Strongly Disagree*

*Whilst not disagreeing with the Duty to Cooperate list and stance there is a danger that there will be no consistency from region to region, for example, some local planning authorities are very lax in their quality and sustainability requirements, in areas such as Code for Sustainable Homes or BEEAM standards for example, this is presumably to remove barriers to development (which are usually far more led by macro-economic imperatives) but are in fact mainly used by developers to challenge attainment of quality in neighbouring areas. Without a strong regulations etc. issued from Government this 'light touch' will create confusion.*

4(b) **What should any separate guidance cover and who should be best placed to provide it?**

The Government should provide some strict regulation on standards see response to 4(a).

## Planning for Prosperity

The elephant in the room within this chapter is the land value imbalance which favours residential development over employment. This structural land supply problem must be tackled through the planning system. As in housing planning authorities should be able to intervene to identify and deliver land well located for employment use rather than make do with landowner / agent scraps of land seen as unsuitable for lucrative housing.

*Clerks comment; members are referred to the consultation document on Business rates Retention. The Government obviously considers that by tempting local authorities with this income that there should be a balance between business development and housing however this is probably not the way Barretts Homes would see it.*

**Business and Economic Development.** Clerk's suggested response to the consultation question;

**The 'planning for business policies' will encourage economic activity and give business the certainty and confidence to invest.**

5(a) – Do you agree?

Neither agree or Disagree

5(b) **What should any separate guidance cover and who should be best placed to provide it?**

*It is suggested that Cllr Harwoods comments (above) are, with a few tweaks, used and then...*

The use of business rates retention to encourage communities to allow development is fraught with dangers, especially as the Government has effectively removed any right of a community to challenge/stop development. Whilst understanding the need for encouraging business the Government fails to take into account the fact that this Framework would give all the power to the developers who only wish to develop the land that they own and so there is no real control over where businesses set up – the presumption being for development.

5(c) **What market signals could be most useful in plan making and decisions, and how could such information be best used to inform decisions?**

*Clerk has no suggested response. Members?*

6(a) **The town centre policies will enable communities to encourage retail, business and leisure development in the right locations and protect the vitality and viability of town centres.**

Do you agree?

Neither agree or Disagree

6(b) Do you have comments? (please begin with relevant paragraph number)

*What Town Centre Policies? By removing most of the substance of planning documents you have removed much of the information so it is impossible to make an informed decision.*

## Transport

The transport section has too many caveats to make it a realisable vision. Government must be brave in setting out its vision for using the planning system to help deliver a modern environmentally sustainable transport system. The UK suffers because of its over-reliance on the private motor vehicle, lack of investment in public transport and the second class status given to pedestrians, cyclists and other non-motorised vehicle users. The planning system

must be rebalanced on Continental lines to address this malaise. This chapter fails signally to do so and must be revisited with a more progressive vision.

**Transport.** Clerk's suggested response to the consultation question;  
**The policy on planning for transport takes the right approach.**

7(a) – Do you agree?

Disagree

7(b) Do you have comments? (please begin with relevant paragraph number)

*It is suggested that Cllr Harwood's comments (above) are used*

**Communications infrastructure.** Clerk's suggested response to the consultation question;

**Policy on communications infrastructure is adequate to allow effective communications development and technological advances.**

8(a) Do you agree?

Neither agree or Disagree

8(b) Do you have comments? (please begin with relevant paragraph number)

It is not possible to make a comment as the policy referred to could not be found in the framework document or the documents referred to in 'other considerations' section.

**Minerals.** Clerk's suggested response to the consultation question;  
**The policies on minerals planning adopt the right approach.**

9(a) Do you agree?

Neither agree or Disagree

9(b) Do you have comments? (please begin with relevant paragraph number)

*It appears from the document that there is no real policy regarding minerals rather just a requirement under the Localism Bill's Duty to Cooperate for relevant organisations to work with the local authority. Whilst not disagreeing with the Duty to Cooperate list and stance there is a danger that there will be no consistency from region to region, Without a strong regulations etc. issued from Government this 'light touch' will create confusion. With a presumption to allow development and the lack of environmental safeguards, within the Framework document, there is an open invitation to pillage and rape the countryside and its communities.*

## **Housing**

Significant concerns about a meaningful evidence base, as experience suggest that current models inflate realistic demand. The proposed "20% additional allowance" has no justification in policy or practical terms and is potentially damaging to community cohesion, landscape, biodiversity existing settlements and local economy. Government needs to intervene with "intelligent" guidance designed to stimulate yield of new housing within the most holistically sustainable locations. This chapter will spawn urban sprawl of faceless and unsustainable estates across green fields to drive developer profits without any social or environmental gain. Regeneration and the right housing development in the right place must be a central tenet of a National Planning Policy Framework not abdication of duty and responsibility.

**Housing.** Clerk's suggested response to the consultation question;  
**The policies on housing will enable communities to deliver a wide choice of high quality homes, in the right location, to meet local demand.**

10(a) – Do you agree?

Disagree

10(b) Do you have comments? (please begin with relevant paragraph number)

This chapter will spawn urban sprawl of faceless and unsustainable estates across green fields to drive developer profits without any social or environmental gain. Regeneration and the right housing development in the right place must be a central tenet of a National Planning Policy Framework not abdication of duty and responsibility.

The requirement for brownfield site development before greenfield sites can be used must be reinstated.

Government needs to intervene with "intelligent" guidance designed to stimulate yield of new housing within the most holistically sustainable locations.

**Planning for schools.** Clerk's suggested response to the consultation question;

The policy on planning for schools takes the right approach.

11(a) Do you agree?

Neither agree or Disagree

11(b) Do you have comments? (please begin with relevant paragraph number)

It is not possible to make a comment as the policy referred to could not be found in the framework document or the documents referred to in 'other considerations' section.

## **Design**

The reference at 117 to avoiding prescription or detail contains dangers in relation to achieving sustainability where the developers favour the cheapest build but planners (and the planet) must demand that high levels of attainment against Code for Sustainable Homes , BREEAM and other standards are demanded. The requirement for design innovations such as suds, green roofs and other sustainability features will be challenged repeatedly under the current wording.

Further, the stark and glaring omission from this chapter is the environment. Within the objectives and detail achieving energy efficiency, incorporation into design principles of renewables, climate change adaptation and opportunities to enhance biodiversity is vital. At paragraph 117 it is striking that bullet points relating to environmental sustainability are missing - it is strongly recommended that this failure is addressed.

The integral role of landscaping to overall development design should be stressed more boldly to ensure that this integral element of a good, locally characteristic and "good neighbour" development is not treated as an afterthought.

**Design.** Clerk's suggested response to the consultation question;

**The policy on planning and design is appropriate and useful.**

12(a) – Do you agree?

Disagree

12(b) Do you have comments? (please begin with relevant paragraph number)

Clerk's comment – it is suggested that Cllr Harwood's comments (above) are produced in full here.

## **Natural Environment**

The relegation to send to the second to last chapter for the Natural Environment sections speaks volumes on the lack of priority given to this area by the Government. The record breaking public response to the Natural Environment White Paper consultation and the public

furore provoked by the aborted Forestry sell-off illustrates powerfully the fact that protection and rehabilitation of the natural environment should in fact be a key early chapter in any National Planning Policy Framework.

Indeed, the weakness of this chapter in conveying the seriousness of the challenge of decline in our nation's natural environment is breath-taking. The policy reliance upon international, national and local designations rather than the value of the whole urban and rural landscape in terms of biodiversity and sense of place will further institutionalise an unsustainable fragmented landscape and declining biodiversity. There is nothing within the chapter to deliver landscape scale conservation - there is no reference even to biodiversity opportunity areas and other progressive land designations. A truly visionary set of policies to ensure that overall strategic planning, development allocations, architectural and landscape design are all centrally informed by an imperative to deliver enhancements to biodiversity and landscape is demanded by our current grim situation. A sequential approach to identifying land for development must factor in biodiversity and the planning system must prevent landowners and developers from destroying biodiversity on their land to facilitate future development - this is routine behaviour that leads to sterilisation of vast swathes of land with development "hope value".

The visionary nature of much of the Natural Environment White Paper must inform this section as planning is central to delivery of any strategy to halt the disastrous decline in our biodiversity.

**Green Belt.** Clerk's suggested response to the consultation question;  
**The policy on planning and the Green Belt gives a strong clear message on Green Belt protection.**

13(a) Do you agree?  
Strongly Disagree

13(b) Do you have comments? (please begin with relevant paragraph number)  
Please see response to question 15a.

**Climate change, flooding and coastal change.** Clerk's suggested response to the consultation question;

**The policy relating to climate change takes the right approach.**

14(a) Do you agree?  
Strongly Disagree

14 (b) Do you have comments? (please begin with relevant paragraph number)  
It is not possible to make a comment as the policy referred to could not be found in the framework document or the documents referred to in 'other considerations' section.

**The policy on renewable energy will support the delivery of renewable and low carbon energy.**

14(c) Do you agree?  
*Agree*

14(d) Do you have comments? (please begin with relevant paragraph number)  
The Government should ensure that all forms of renewable energy plays a 'significant role in delivering the renewable energy that we need'. An almost total reliance on wind turbines (which is what is being pushed by companies) is not healthy.

**The draft Framework sets out clear and workable proposals for plan-making and development management for renewable and low carbon energy, including the test for developments proposed outside of opportunity areas identified by local authorities.**

14(e) Do you agree?

Neither agree or Disagree

14 (f) Do you have comments? (please begin with relevant paragraph number)  
There is no doubt that the statement is clear however the lack of any regulation or identified standards/requirements mean that there is a possibility of inconsistency across boundaries. means

**The policy on flooding and coastal change provides the right level of protection.**

14(g) Do you agree?

Neither agree or Disagree

14(h) Do you have comments? (please begin with relevant paragraph number)  
It is not possible to make a comment as the policy referred to could not be found in the framework document or the documents referred to in 'other considerations' section.

**Natural and local Environment.** Clerk's suggested response to the consultation question;

**Policy relating to the natural and local environment provides the appropriate framework to protect and enhance the environment.**

15(a) Do you agree?

Strongly disagree

15(b) Do you have comments? (please begin with relevant paragraph number)

It is suggested that Cllr Harwoods' comments (Natural Environment) is reproduced here.

It is suggested that Cllr Harwoods comments (above) are used.

**Historic Environment.** Clerk's suggested response to the consultation question;  
**This policy provides the right level of protection for heritage assets.**

16(a) Do you agree?

Neither agree or Disagree

16(b) Do you have comments? (please begin with relevant paragraph number)

It is not possible to make a comment as the policy referred to could not be found in the framework document or the documents referred to in 'other considerations' section.

*The consultation contained an additional 29 questions mostly aimed at principle authorities. As most of these were not relevant to a parish council they will not be responded to however the following questions were felt to be relevant.*

QA2: Are there any broad categories of costs or benefits that have not been included here and which may arise from the consolidation brought about by the National Planning Policy Framework?

Clerk's suggested response to the consultation question; Neighbourhood Development Plans will be costly to instigate as a referendum is required and the local planning authority will require the Parish Council to pay the costs to do this.

QB1.3: What impact do you think the presumption in favour of sustainable development will

have on the balance between economic, environmental and social outcomes?

Clerk's suggested response to the consultation question; It is considered that there will be minimal impact on the economic outcome. In the experience of this Council rarely is new industry or commerce attracted to an area because of new buildings rather existing companies relocate from nearby. It is rare that any area does not have empty properties for sale or rent and so it would be more logical to create incentives to upgrade these properties rather than allow a building free for all.

**Item 14 Pre-application discussions with the Boxley Parish Council Environment Committee.**

- Applicants will be allowed 3 minutes to address members. This is already policy and the meeting will be adjourned to allow this. Once reconvened the applicant is unable to contribute unless asked a direct question by the chairman or committee member.
- If possible details of the proposed application would be included on the agenda.
- Applicant can submit a draft plan to allow members to consider the proposal; and with prior arrangements can also use the parish council's projector if they wish to show photographs etc. to help their explanation.
- Members can ask questions to help them identify any concerns that they may have. Members would be asked to refrain from discussing in depth any issues that would be the responsibility of the Planning Department for example they can ask for sympathetic materials but should not normally discuss the exact materials that they would wish to see.
- Members would identify any concerns about the proposal in order to help the applicant. It is likely that these would be additional traffic, access and egress to the site, design, loss of privacy to neighbours etc.
- Members would be asked, where possible, to restrict their comments to one brief succinct statement about the proposed application. Where possible members to refrain from repeating concerns already stated by other members.
- Members will not be able to state whether they would support a proposed application. Present policy states that a decision can only be taken when a planning application is submitted via the Planning Department.