

BOXLEY PARISH COUNCIL

www.boxleyparishcouncil.co.uk

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To All Members of the Council, press and public.

10th April 2012

There will be a meeting of the **Environment Committee** on **Monday 16th April 2012** 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.
3. **Minutes of the Meetings of 5th and 12 March, 2012.** (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 2387/4.2 inconsiderate parking Walderslade Village/Boxley Road. Chairman is due to escalate the issue.
 - 4.2 Minute 2387/4.3 marker at Cossington Lane. Work is being undertaken to locate a sign that could be erected on a way marker post and to establish land ownership.
 - 4.3 Minute 2387/4.4 Cowbeck Wood see report (page 3).
 - 4.4 Minute 2388/8.2 PRow Round Wood valley. A request for PRow definition has been submitted but the officer dealing with it is currently on holiday.
 - 4.5 Minute 2388/9.5 Lidsing Road. Request for additional signage etc. has been submitted.
 - 4.6 Minute 2388/13 empty properties. Cllr Pepper to attend the 25th April Borough Council meeting to take this issue up.

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

5. **Planning Applications and Appeals for Consideration.** (7.55)
To consider planning applications. Members' are reminded to consider possible section 106 requests or to suggest any conditions.
MA/12/0422 anti-ram fortification, fencing and gate and wall protection at G4S Ltd, Old Mill Lane, Aylesford 17/04/12.

MA/12/0523 application for advertisement consent for illuminated and non-illuminated signage to store and store car park at Tesco, Grove Green 26/04/12.

MA/12/0524 construction of a timber structure surrounding 'hello' totem; a larch timber slatted 'hello' wall; and replacement timber covered trolley bays at Tesco, Grove Green 26/04/12.

MA/12/0527 election of close boarded fence at 26 Olivine Close, Walderslade 27/04/12.

TA/0012/12 TPO No. 2 of 1991 - Application for consent to fell 1 (No) Beech Tree, to remove 5 (no) Sweet Chestnut stools and to cut back all overhanging group to boundary to height of 3m on an annual basis at Woodland adjacent to 14, Exton Gardens, Grove Green. 12/4/2012

Railway mast adjacent to Turkey Mill, Grove Green pre application notification.

6. **Planning applications taken to Planning Committee.** (8.05)
 Planning rota – Cllr Pepper 19th April 2012.
7. **Planning Applications and appeals decisions.** (8.06)
 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.
 MA/12/0256 GRANTED TA/0001/12 GRANTED
 *TA/0009/12 REFUSED – no sign of disease, healthy tree loss would be detrimental to street scene.

 Request for change to the way information is presented see report (page 3).
8. **Walderslade Woods and Volunteer Group** (8.12)
 To receive a report/update on the Group's activities.
9. **Highways and Byways.** (8.20)
 9.1 Cuckoo Wood double yellow lines consultation. A map will be present at the meeting for members to see the proposed scheme.
 9.2 M20 NAG (Noise Action Group) see report (pages 3-4).
 9.3 Humming article and noise at Walderslade see report (pages 4-5).
10. **National Planning Policy Framework and other planning issues.** (8.30)
 To receive an update and also associated information see report (pages 5-6).
11. **KCC Consultation on Gypsy and Traveller Pitch Allocation Policy.** (8.40)
 To consider the summary and decide whether to respond see report (page 6).
12. **Policy and procedures review.** (8.47)
 Boxley Parish Council Planning Information leaflet. It is the Clerk's opinion that at this date it is still fit for purpose. A copy can be supplied to member on request and is also available on the website. This document may be returned to the Environment Committee should any amendments be needed due to the new NPPF.
13. **Matters for information.** (8.53)
 13.1 Articles: Planning principles and the Localism Act 2011; What councils need to know about rights of way. Copies to committee members available on request to other members.
 13.2 CPRE letter New Homes Bonus Scheme, copy supplied to committee members available on request to other members.
14. **Next Meeting.** (8.57)
 Next environment meetings 14th and 21st May 2012 (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.

15. **Enforcement and Section 106 updates from MBC.** (8.58)
 To consider a confidential update, enclosed for members.

Clerk to Boxley Parish Council.

Items to be returned to agenda: Minute 2368/5.1 Walderslade Woods road/A2045 – work to obtain speed reduction –KHS awaiting plans (04/12); Boxley Rd/Beechen Bank Rd speed reduction work – KHS chased 04/12 for date.

Item 4.3. Cowbeck Wood. *Purpose of item; information members having requested a briefing on the situation.*

The agent for the land owner attended the Environment Committee meeting to 'open dialogue'. Prior to the meeting the agent was asked (three possibly four times) to supply a map of the land in question. At the meeting the agent was again asked for a map of the land that was owned by his clients. After discussion at the meeting it was agreed that a copy of the Council's wish list would be sent (it was) along with a reminder about the wish for a map of the land area.

Hence there have been at least 5 requests for a map with nothing forth coming so it is pretty obvious that the client has no desire (at this stage) to show what land they own.

The purpose of the meeting with the agent was to open dialogue and this has happened and the agent said he would get back to the Council once things progressed.

At a guess I would say that the owners were waiting for the NPPF to be passed and the Core Strategy Land Allocation document to be started.

Item 7 Request for change to the way information is presented. *Purpose of item; review.*

Decisions (granted or refused) on planning applications are reported to the Environment Committee with any decision that is contrary to the committees decision being marked with an asterisk*. This is to allow members to review their decision against the MBC decision; for information and 'training' purposes. The vast majority of the Committees' decisions agree with the Planning Officers and members are asked to consider allowing the contrary decisions to be reported. The parish office will continue to review the decisions (so as to be able to identify the applications that need reporting to the committee) but it would save time (and paper) if it did not have to report back on every application. All the information is made available on the MBC website and handwritten on the applications filed at the parish office.

Item 9 Highways and Byways. *Purpose of item; information and decision.*

9.2 M20 NAG (Noise Action Group). To consider the request from Westwell PC.

M20 Junction 8 to 9 – noise reduction

You may already be aware that a group has been set up, called the M20 NAG (Noise Action Group), to put pressure on government to take action to reduce traffic noise which has a detrimental impact on many of our residents. The group referred to, so far includes involvement from residents in Lenham, Harrietsham, Charing, Westwell and also includes Sandyhurst Lane Residents Association, several Parish Councillors and a Maidstone Borough Councillor. It is intended that the Noise Action Group will also include local businesses. Although the concrete surface has now been down for more than 20 years there are no plans for the Highways Agency to resurface the road and in the light of the national economic position it is now extremely unlikely that the road will be resurfaced until it is worn out.

A large number of Westwell residents complain about the noise and the Parish Council see this as an issue on which they can and should support the Noise Action Group. We believe it is a substantial issue for our residents and we are guided by the fact that the levels of noise are significantly in excess of EU guidelines and appear to be rising as the volume of traffic increases

Although the group is in its infancy there have been several meetings to agree a simple objective for the group plus a number of action points to move the project forward. The objective is to:

Reduce noise from the M20 motorway between junctions 8 and 9, by resurfacing with a 'thin surface course system', which will improve the quality of life for residents, businesses and schools adjacent to the motorway.

The group has already looked at alternatives, such as fences and embankments but concluded that although they might provide localised improvements they would not deliver the overall reduction in noise which would be to the benefit of all.

In terms of timescale the group concluded that it would only be realistic to aim for the work to be commenced, at the earliest, in the financial year 2013 -14. Industry sources have indicated that the work would cost around £7-10million which, although a considerable sum of money, is small compared to the overall budget available to the Dept of Transport. We understand that the relatively low cost, compared to some previous estimates, derives from the surface being laid direct on to the concrete, without the need for any significant construction / foundation work.

To summarise our discussions we felt that although it was a relatively small amount of money it would not come to Junction 8-9 unless the government felt under significant pressure. The aim of the group is to mobilise public opinion to deliver that pressure.

There is considerable technical work to be carried out alongside raising public awareness. In particular we need current noise levels to be formally measured and compared to previous readings. For this purpose we are looking at a stretch of road at Harrietsham, where professional noise level readings were taken around 5 years ago and we would like to commission the same consultants to carry out a repeat of their work to evidence the current problem. This sort of work will require significant funds but we feel it is essential to do the job properly in order to present a reasoned and compelling case to government.

We would like to see Parish Councils coming together on this issue, to form what could be an influential voice in these times of support for localism. I would therefore welcome a response to the following questions:

- Is motorway noise an issue for your residents
- Does your Parish Council already have this on their agenda
- Do you think it is a good idea to work together to jointly 'campaign' for the above objective

If you are minded to join together then it would be helpful to know if you are willing to provide a Parish Council representative as a contact person and to attend any meeting.

At present this is just an informal approach but if the group is convened then it would be undertaken in a more formal manner. Issues which the group could discuss and perhaps agree a common approach on, might be what information should be disseminated to residents and perhaps how it is disseminated, and whether we could donate any money (possibly just £50 or £100) for the purposes of collating technical information such as a formal noise assessment. On this last point I would mention that the Noise Action Group includes the CPRE (Campaign for the Preservation of Rural England) among its members and the CPRE have agreed to hold an account on behalf of the NAG, to ensure administrative probity.

I apologise for writing at some length but it is important for you to know what has, so far, been done and what is still required, to enable you to come to a decision on whether your Parish Council will support this initiative. There are 10 parishes which have parts of the M20 within their boundaries and a further 8 parishes and possibly more, which are likely to be directly affected by noise from the motorway. I have initially written to the 18 parishes as detailed below, but would be pleased to hear of any further parishes that might wish to join us.

I look forward to hearing from you.

Yours sincerely
Clive Bainbridge (Cllr)
Westwell Parish Council

9.3 Humming article and noise at Walderslade.

Members will be aware that a small article was placed in the Downs Mail inviting anyone being disturbed by a humming noise to contact the parish office. A mistake meant that the words 'in the Walderslade area' were missed out. This resulted in 2 problems areas being identified and the following is a briefing for members.

Grove Green. Residents who responded have been advised that it is most likely coming from the business at Lodge Road and a brief explanation (with a link to the last planning application which included a noise assessment) was included.

Boxley village. It is likely that the noise being experienced is due to the underground pumping of water. It is unlikely that this can be resolved as it is not particularly loud although it is acknowledged that even low humming noise can be very irritating.

Walderslade. The parish office received a number of complaints from residents about a very intrusive noise which has been going on for a while but which was very localised (probably by

the geography of the valleys). A complaint had been made to Environmental Health but residents felt it was not being taken seriously. The DM article identified 7 residents who experienced this noise and numerous residents tracked it down to a unit on the Lordswood industrial area. The issue straddled 2 principle authorities and this had caused a problem in getting the issue investigated.

The parish office arranged: for the complaint to be made to the correct authority (Maidstone); for more residents to make formal complaints; collated other resident's responses for submission to MBC; made contact with the company; informed Borough Councillors of the situation; kept residents informed.

The current situation is that a potential source of the noise has been identified and the company is bringing in a company to repair it. Residents have been informed and the office is waiting to hear whether the noise has stopped. An e-mail from MBC explaining the situation has been forwarded on to residents and an update article will be included in the Downs Mail. If the repair does not stop the noise then the office will continue with the work.

Item 10 NPPF. *Purpose of item; information.*

The National Planning Policy Framework has been adopted (march 2012). Boxley PC was 1 of only 52 parish councils that responded.

The document is available on the communities' website and the office has a paper copy if anyone prefers to read it in this format.

BPC's response to the consultation has been checked against the published document. It appears that most of the concerns raised by BPC have been addressed. Perhaps not in as much depth as the PC would like but the final document still requires that development is planned. Thus it is important that BPC is proactive in consultations/public enquiries concerning the Core Strategy and other planning documents.

Cllr Harwood supplied copy of the following e-mail to MBC Planning

"NPPF - biodiversity policy under-pinning

Dear all,

The explicit reference to encouragement of enhancements to biodiversity in and around new developments means that MBC can use planning conditions rather than informatives in relation to such development features such as swift bricks, bat tubes, cord-wood piles and landscape management plans to maximise biodiversity.

- opportunities to incorporate biodiversity in and around developments should be encouraged.

Further, applications for wildlife features such as new ponds appear to have strong support under the NPPF:

- development proposals where the primary objective is to conserve or enhance biodiversity should be permitted.

Protection for irreplaceable habitats including ancient woodland, veteran trees (and I would suggest unimproved grassland and the courses of un-modified waterways) is significantly strengthened under the new NPPF:

- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

I strongly urge that Maidstone's Planners should hit the ground running and utilise robustly this new policy under-pinning in all relevant applications (encompassing those decided under delegated powers and by committee). Perhaps a briefing note needs to be circulated to the team to this end. If we establish clarity on our intention to maximise biodiversity gain with our developers' partners' life will be much easier for all involved".

Other areas of interest are

The Neighbourhood Planning (General) Regulations 2012 - The Statutory Instrument for the Neighbourhood Planning Regulations has now been published. It provides more detail on Neighbourhood

Areas and Forums, the Community Right to Build, Neighbourhood Development Plans and Neighbourhood Development Orders. The SI can be accessed via the following weblink
<http://www.legislation.gov.uk/uksi/2012/637/contents/made>.

Received from KALC Maidstone Area Committee

Dear Colleagues,

Please find as promised the up to date text of the Localism Act regarding Retrospective Planning Applications.

Retrospective Planning Permission. Part 6 Chapter 5. 123 Retrospective Planning Permission.

(1) The Town and Country Planning Act 1990 is amended as follows

(2) After section 70B insert

70C Power to decline to determine retrospective application

1) A local planning authority in England may decline to determine an application for planning permission for the development of any land if granting planning permission for the development would involve granting, whether in relation to the whole or part of the land to which a pre-existing enforcement notice relates, planning permission in respect of the whole or any part of the matters specified in the enforcement notice as constituting a breach of planning control.

2) For the purposes of the operation of this section in relation to any particular application for planning permission a pre-existing enforcement notice is enforcement notice issued before the application was received by the Local Planning Authority.

Item 11 Consultation Gypsy and Traveller Pitch Allocation Policy. *Purpose of item; to decide whether to reply to the consultation.* Full document can be viewed at the KCC website under consultations. Deadline for response 25th May 2012.

KCC Summary of changes to Gypsy and Traveller Pitch Allocation Policy

"The way vacant pitches are allocated on KCC's Gypsy and Traveller sites is to be replaced with a system that is clearer, fairer, more certain, and less open to challenge.

The previous policy on allocations dates from 1998, and although it has been updated since by practice, it is a good time to consult on an overall review of the policy.

The new proposed policy has been drafted to be as similar as possible to that used to allocate social housing, and is also designed to reduce the risk of applicants challenging - through the law - decisions not to offer them specific pitches.

It will allow applicants, and those supporting them, to detail their circumstances and their needs, and help KCC to meet their accommodation needs with the most appropriate pitch offer.

Under the new system, applicants will have a clear understanding of what happens when a pitch becomes vacant. It sets out the points that will be allocated for an applicant's circumstances and needs.

Each applicant will be able to check the number of points they have accumulated and understand how any changes in their circumstances will affect this.

Each applicant will have to provide the same types of information. They will need to verify their identity, include an address for correspondence, and provide other relevant information.

All documents will be checked before any pitch offer to make sure the information given is valid".

Clerk's comment; the consultation includes the documents that would be produced for the proposed scheme including a flow chart and the Points Allocation System. It appears simple and is easily followed.

It is suggested that members may wish to respond along the lines of it supports the proposal and welcomes clarity.