



BOXLEY PARISH COUNCIL
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Clerk Mrs Pauline Bowdery **Assistant Clerk** Mrs Melanie Fooks

A G E N D A

To All Members of the Council, Press and Public

There will be a meeting of the **Environment Committee** on **Monday 14 December 2015 at Beechen Hall, Wildfell Close, Walderslade**, commencing at 7:30pm when it is proposed to transact the following business:

- 1 **Apologies and absences** (7:30)
To receive and accept apologies for absence.
- 2 **Declaration of Interests, Dispensations, Predetermination or Lobbying** (7:31)
Members are required to declare any interests, dispensations, predetermination or lobbying on items on this agenda. Members are reminded that changes to the Register of Interests should be notified to the Clerk.
- 3 **Minutes of the Meetings of 2nd and 9th November 2015 - DECISION** (7:32)
To consider the minutes of the meeting and if in order to sign as a true record (previously circulated).
- 4 **Matters Arising from the Minutes - INFORMATION** (7:34)
 - 4.1 Minute 2810/4.1 Bike barrier at Fitzwilliam Rd/Camomile Drive. The KCC investigation has taken place and an update is expected.
 - 4.2 Minute 2810/4.2 Advertising boards at Roundwood roundabout. These were reported to MBC Planning Department and a response is awaited.
 - 4.3 Minute 2810/4.3 HGV parking on roads see report (page 3)
 - 4.4 Minute 2800/4.6 Installation of hard standing/apron at Boxley Road noticeboard. The application to KCC (cost £375) for the work is currently being held at the office as KALC has asked KCC to review the fee.
 - 4.5 Minute 2811/7.1 Weaving Street Speed Reduction see report (pages 3).
 - 4.6 Any other matters arising from the minutes not on the agenda.
- To adjourn to allow members of the public to address the meeting** (7:40)
- 5 **Planning Applications for Consideration - DECISION** (7:50)
To receive and decide on responses to planning applications (pages 3-4).
- 6 **Planning Decisions, Appeals and Appeals Decisions - INFORMATION** (7:58)
To receive any updates see report (pages 4-5).
 - 6.1 Land At Junction Of New Cut Road And Bearsted Road Weaving Kent. Proposal: Advertisement consent for 1x hoarding sign. Written appeal commencing
 - 6.2 Lordswood Urban Extension Planning Appeal Decision – ALLOWED.
- 7 **Highways and Byways - DECISION** (8:08)
To consider any issues.
 - 7.1 Cllr Hincliffe report on the KCC Parish Seminar 9th November 2015 (pages 5-6)
 - 7.2 Bollards on verge adjacent to Boxley Rd/Travertine Rd junction see report (page 6).
 - 7.3 Charge for PC work on highway property see report (page 6).
 - 7.4 Maidstone Joint Transport Board agenda item 07.12.15 see report (page 6).

- 8 **Volunteer Groups - INFORMATION** (8:20)
To receive any reports from volunteer groups associated with the parish council.
- 9 **Policy and Procedures - REVIEW** (8:25)
Street Maintenance Policy see report (pages 6-10).
- 10 **Maidstone Local Plan** (8:40)
To consider any update. Report on training 24 November 2015 (pages 10-11).
11. **Community Infrastructure Levy (CIL)** (8:50)
To consider a possible response to a Government review of CIL see report (pages 11-12).
12. **Matters for Information - INFORMATION** (9:00)
12.1 Section 106s explanation see report (pages 12-13).
12.2 Abbey Court, Boarley Lane new tenants see report (page 13).
13. **Draft Budget 2016/2017** (9:05)
Members are invited to submit projects for consideration for the draft budget.
14. **Next Meeting** (9:10)
Next full environment meeting 11 January 2016 at Beechen Hall commencing at 7:30pm.
Items for the agenda must be with the parish office no later than 4 January 2016.

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** (9:11)
To receive a confidential update see enclosed.

Pauline Bowdery

Pauline Bowdery
Clerk to Boxley Parish Council

Date: 8 December 2015

In accordance with policy the meeting should close no later than 9:30pm but the Chairman has devolved powers to extend it by 30 minutes.

Items to be returned to agenda: Yelsted Lane request for Not Suitable for HGV signs Feb 2016.
Legislation allows for meetings to be recorded by anyone attending. Persons intending to record or who have concerns about being recorded should please speak to the Clerk.

**Supporting agenda papers for the Environment Committee Meeting 14th December 2015.
The Chairman will assume that these have been read prior to the meeting.**

Councillors wishing to suggest changes to any policy or procedure document in this agenda should notify the office, in writing, at least three working days in advance of the meeting to allow details to be circulated at the meeting (or in advance if particularly contentious).

Item 4 Matters Arising from the Minutes. Purpose of item: INFORMATION

Item 4.3 HGV parking on roads (update).

From Cllr Ivor Davies report on the KentALC AGM and the motion concerning HGVs.

"The motion of most interest to us was that proposed by the KentALC Executive itself. This expressed concern "at the effects that unlawful HGV parking has on local communities across the county", supported "the development of adequate parking facilities, both within the county and elsewhere" and called on "the government, KCC and Medway Council to secure adequate funding to make this happen" while asking for "consultation with parish councils and local communities on possible sites". There was considerable agreement but I pointed out that although the motion was a good first step, it was not wholly adequate as it omitted any reference to enforcement or recovery of fines. This caused further discussion with one representative making the interesting suggestion (which I may have heard before) that foreign HGV drivers should be compelled to deposit non-returnable funds on arrival in the UK which could be drawn down to pay for authorised lorry parks while here. The motion eventually received unanimous."

From CEO KentALC

"The motion at the KALC AGM was carried by a large majority with no objections and 1 abstention. As you know the Autumn Statement included a £250m commitment from Government towards Operation Stack. At the AGM we explained that our next steps in taking forward the motion would be to contact Government, County and Borough Councils about the need for sufficient HGV parking and then proper enforcement to ensure that the HGVs stopped parking on roadside verges etc, so that they use the parking facilities. Our next step is to write to Government (DfT and Highways England) before Christmas and then to the County and Borough Councils".

Do members require any action?

Item 4.5 Weaving Street Speed Reduction (update) the cutting of the vegetation has been authorised and added to planned verge maintenance.

Estates Committee is progressing with the new design to the entrance.

The resident has informed the parish office that an e-petition is being planned.

Item 5 Planning Applications for Consideration. Purpose of item: DECISION

15/509535/FULL - Erection of single storey rear extension with roof lights at 16 Fir Tree Grove, Lordswood Kent ME5 8XD. *Deadline: 17 December 2015*

15/507909/FULL - Change of use of woodland and grassland to provide for formal public open space with associated ancillary structures (including seating and natural play equipment), improvement to paths and landscaping; and the erection of 12 no. dwellings with garaging, landscaping and access on land west of Wildfell Close at Walderslade Woods Including Land off Wildfell Close Boxley Kent. *Deadline: 17 December 2015*

15/509587/FULL - Erection of a single storey rear and side extension at 8 Maxton Close, Bearsted, Kent, ME14 4QD. *Deadline: 24 December 2015*

15/509444/FULL Conversion of existing garage to habitable room, internal alterations, erection of first floor side extension and attached garage - resubmission of 15/506684 at 2 Lombardy Drive Maidstone Kent ME14 5TA. Deadline 30 December 2015.

BPC's response to 15/506684, Conversion of integral garage to habitable space, internal alterations, erection of first floor side extension with insertion of rooflights, erection of detached double garage with room over, insertion of four dormer windows and a bay window to front elevation, was

Wish to see refused due to: The significant increase in the development footprint on the site. The adverse impact on the street scene. The location of the proposed new garage is directly adjacent to a junction and would interfere with the vision splay of drivers creating a safety issue. The new garage is of a significant size with roof dormers into an upper store area in the roof. If the planning officer is minded to approve the application then the parish council asks for a condition that the garage will be limited to the immediate family of residents of the primary dwelling and the proposed development will remain tied to the primary property and not allowed to be converted into a habitable dwelling

MBC's refusal was

The Council hereby REFUSES Planning Permission for the above for the following Reason(s): (1) By virtue of its scale and location, the garage building would have a negative impact on the streetscene and the openness of this bend location. As a result, it would be contrary to Maidstone Borough Wide Local Plan 2000 Policy H18, the Maidstone Residential Extensions Supplementary Planning Document and the NPPF.

15/509570/TPO - TPO application to remove 1 x crab apple tree at 42 Olivine Close Walderslade Kent ME5 9NQ. Deadline: 21 December 2015

15/509641/TPO - TPO application to 1 x Oak tree - remove stem/trunk suckers to first main branch, remove sucker growth annually, reduce crown by 25% by reducing crown spread to a radius of between 2-2.5m and crown lift to give maximum ground clearance of 4m at 32 Spenlow Drive Boxley Kent ME5 9JT. Deadline: 18 December 2015

15/509840/TPO - TPO application to 30% crown reduction to two Oak trees and one field maple at 11 Sylvan Glade Walderslade Kent ME5 9PW. Deadline: 25 December 2015

15/509881/TPO - TPO application - 1no. Sweet Chestnut Re-pollard and reduce large branches back by up to 2m at 1 The Medlars Maidstone Kent ME14 5RZ. Deadline: 28 December 2015

15/508730/TPO TPO application to 1no Hornbeam at no.14 - Crown lift by 4m and reduce by 2m, 1no. Hornbeam at no.18 - Crown lift by 4m at 14 Olivine Close Walderslade Kent ME5 9NQ. Deadline 28 December 2015.

Item 6 Planning Decisions, Appeals and Appeals Decisions Purpose of item: INFORMATION

6.1 Town and Country Planning Act 1990 (As Amended) – Planning Appeal Householder Application

Location: Land At Junction Of New Cut Road And Bearsted Road Weaving Kent

Proposal: Advertisement consent for 1x hoarding sign.

Appellant: HM Asset Management

Appeal Reference Number(s): APP/U2235/Z/15/3134158

Appeal (written) Starting date: 11 November 2015, Parish Council's response has been forwarded to Inspectorate.

6.2 Lordswood Urban Extension Planning Appeal Decision – ALLOWED.

Clerk's note. The full decision has been published on the website and supplied to members. The

following is the published

Conclusion

For all these reasons, the benefits of the scheme subject of appeal B significantly and demonstrably outweigh the disadvantages, and it should be allowed. The scheme subject to appeal A is less sensitive to the Ancient Woodland and must be dismissed.

Item 7 Highways and Byways. Purpose of item: Decision/guidance

Item 7.1 Cllr Hinchliffe's report on KCC Parish Seminar 9th November 2015 Tunbridge Wells

Clive Pearman - Deputy Cabinet Member for Environment and Transport:

- 8% spend reduction over the next 4 years.
- 3 KCC big projects submitted for funding and awaiting decision in the Government Autumn Statement:
 - Third Thames Crossing.
 - Operation Stack (also includes legislation for collecting fines).
 - Gatwick second runway.
- KCC is continuing to work cooperatively with Parish Councils.

Village Caretaker Scheme - John Rivers (Wittersham Parish Council):

- Formed a cluster of parishes.
- Advertised and appointed full time Caretaker for such tasks as cleaning play areas and litter picking.
- Takes up 2hrs of Parish Clerk's time each week.
- Ashford Borough Council asked for funding based on their total spend in the cluster of parishes (approximately £26K/annum).

Street Lighting replacement programme - Robert Clerk LED Project Manager/Sue Kinsella Street Lighting Manager:

- Some numbers....
 - 120,000 streetlights in Kent.
 - 27,500 Lit up signs in Kent.
 - £6m/year energy costs plus £400, 000 Carbon Tax.
 - 1200 streetlights in trial for turning off altogether.
 - 60,000 streetlights connected to part night lighting.
 - Above two items saving £1m/year.
- LED Project:
 - Conversion project currently out to tender including a 15year maintenance service.
 - Central management system for controlling lights.
 - Scheduled to take 38 months to convert 118,000 streetlights.
 - Phase 1 - Residential 14 months.
 - Phase 2 - Main routes 15 months.
 - Phase 3 - Town centres 9 months.
 - There are 10,000 additional streetlights owned and maintained by Borough and Parish Councils which have to be changed to LED as a directive is issued. Support available from KCC.

Highway update - Mary Gillett/Alan Casson:

- KCC secured funding for Maidstone Gyratory project.
- 20 MPH Speed Limits..
 - Policy is currently being developed and will include the process for requesting funds.
 - Clive Pearman fully supportive of 20 MPH limits, and recommended PCs to talk to KCC member regarding individual PC requests.

Local Wildlife Site updates for consultation with the Kent Nature Partnership E-mail Group November 2015

MA31 Cuckoo Wood, Sandling

Reason for consultation: Resurveyed as part of regular review Surveyed: 2014 Size & Grid ref. 17.19ha; TQ 760580 Meets criteria: WO1; WO2; WO3; RW1 Brief description: Despite conversion to chestnut coppice the woodland is large, retains at least 24 ancient woodland indicator species and has areas of wet woodland. The addition of the grassland adds to the habitat diversity of the site.

Proposed boundary changes: None

KWT Recommendation: Maintain on LWS register and accept update

To ratify the Clerk's decision after consultation with Cllr Wendy Hinder and |Cllr Harwood to respond as supported.

Item 7.2 Bollards on verge adjacent to Boxley Rd/Travertine Rd junction.

A local resident has submitted a log and photographs of vehicles parked on the verge and is requesting bollards/large stones be installed. He has spoken to a few of his neighbours who support this request.

Clerk's note: As members are aware it will cost the parish council £375 just to get KCC Highways to investigate the request/give permission.

Should the Environment Committee wish to fund the project in 2016/2017 then it is suggested that it could be used to test the street maintenance policy and procedure see item 9 as there are financial short and long term implications and also the vehicles might park elsewhere causing other residents problems.

Item 7.3 Charge for PC work on highway property.

Update received from KALC

"We raised the licence issue with KCC Highways last week and were told that they would have a look at it and will come back to us. Another option we floated was to only pay for one licence rather than for multiple licences".

Item 7.4 Maidstone Joint Transport Board agenda item 07.12.15 - INFORMATION

The MJTB report contains information on funding available for improvements at the M20 Junction 7 strategic area which includes signalisation of the Bearsted Roundabout and that should there be development at Newnham Court that the road in front of the crematorium would likely be made into a dual carriageway. The agenda also includes an update on the progress of the Maidstone Integrated Transport Strategy.

Item 9 Policy and Procedures Purpose of item: DECISION

Street Maintenance Policy (review)

At the last meeting members requested that the Street Maintenance Policy is reviewed and that a draft be submitted to members.

Clerk's note: I took a slightly different approach to reviewing the documents and started by asking the question *what issues cause the most work/confusion to the office and how can this be managed out?* I identified that the main issue was that items/projects were often just brought forward at a meeting with little solid advance work undertaken. This meant that members were basically presented with an idea and then added their comments and sometimes appeared to want to support an idea without knowing the full implications and then gave it to the parish office to sort out. The parish office was often required to produce something with little briefing, a lack of local knowledge and detail which required numerous e-mails and telephone calls to sort out.

Despite the current policy members were not required, and the fault mainly lies with the parish office, to complete the Checklist for requests for funding form. The committee would be able to work more effectively and efficiently, and the majority of the issues faced by the parish office would be resolved, if the form was completed by the councillor putting forward the request. A councillor may feel that they are not fully able to complete the form or identify possible consequences however the parish office can help once the basics have been completed.

Currently the office can struggle to get reports, that members can make decisions on, ready for agenda because of the initial lack of information. It would be helpful if the Environment Committee required the form to be on an agenda before it discussed a request. If not achieved there would be a 4 – 5 week delay before the next agenda when it could be discussed.

The current policy did need updating with the removal of some unachievable deadlines but otherwise it was basically sound (see document A).

A new procedure for submitting projects for consideration (document B) has been drafted.

The accompanying Checklist for requests for funding needed some work (see document C) and to help members put across and identify the exact project they want a new advice note has been put together (see document D).

As members are looking to increase the street maintenance budget, and with more cuts in local services, it is important that members are in a position to consider a request for funding and can make a decision after being fully briefed. A councillor requesting the work/project must therefore be clear about why something needs doing and ultimately this should help the Environment Committee to identify where funding should be allocated and the priorities it wishes to set.

With the financial situation facing local authorities it is clear that they are now looking to parishes to take over work.

Document A.

Street Maintenance Policy for budget expenditure.

When suggesting additional work individual members are asked to identify the following:

- what additional work they want;
- why they consider it is needed (whether it is for practical or aesthetic reasons);
- (if known) whether the land/vegetation is highway or private. If private can they identify the property owner/house number etc.
- have they reported the problem to the Highway Authority at any time (reference number to be given if possible)?

The Environment Committee will consider requests for the budget to be allocated and has identified the following criteria/requirements that need to be considered before a decision is made.

Is the issue on Highway property (verges/footways) and have reasonable attempts been made to get the Highway Authority to do the work? ~~Reasonable is considered as a report/request made for the work and its progress is checked 10 working days later. If work not scheduled or no answer than parish office to contact the Highway Inspector/Contact Centre for advice/response/schedule for~~

~~any planned work allowing another 10 working days for response/work. Issue then taken to Environment Committee for consideration. If there is a safety issue then response times allowed will be cut to 3 working days.~~ **Clerk's note:** Guidance is sought. This timetable was requested by members however it is proving impossible to work to mainly because BPC cannot force KCC to answer anything or move away from their system. The accompanying Checklist for requests for funding asks for information on when the issue was reported etc.

Encroaching vegetation from private property. The Highway Authority can send a letter requiring the work be done and this can be arranged via the Highway Inspector. **Clerk's note:** BPC doesn't have contact with the temp. highway steward so doesn't know if these letters actually get sent. BPC can always send letters.

Footways, especially if on a school, cycle or access to public facilities route are considered a priority by the Environment Committee. Salt bins are now only supplied if the County Councillor pays for them.

Vision splays are a H & S issue if they are overgrown and should be cut as and when required. This is the same as vegetation around speed signs and highway directional signs. KCC now works to a safety critical policy¹ which often means work requested is refused.

When considering projects Environment Committee should consider the following

- Whether the request is commensurate with the possible cost.
- H & S issues if it is going to arrange for work to be done.
- Who uses the footway, footpath etc.?
- Why is it used (does it connect to a bus stop etc.)?
- Benefit to the wider community.
- Is it a 'make it pretty' request or a practical request?

There is a limited budget for work and where possible problem areas will be given priority. The Environment Committee can consider work for aesthetic reasons but these should not take priority over work needed for practical reasons.

Document B (New)

Street Maintenance Procedure for submitting projects for consideration.

Members identify precisely what work they want done by completing the Checklist for requests for funding needed. Where possible this is to include a location plan, approx. measurements and photographs. The parish office will help when requested.

The request is submitted to the Environment Committee to decide whether they agree in principle to the project, at this stage it might be possible to give an indication of cost of the work. The parish office will work with the members to draw up a job specification.

Quotes can then be obtained and the Environment Committee can then agree whether to fund the project. The office will then obtain any permissions or arrange the work.

Document C. (Revised document)

Street Maintenance. Checklist for requests for funding

See
advice
note

1	Description of work required and why it is needed (practical, aesthetic, H&S issues)
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¹ KCC has never, despite requests supplied the safety criterial criteria

2	Location and site description. Please be precise use house/road numbers/names or draw a plan on a separate sheet.
3	If the land is not highways do you know who owns it? Give details.
4	Have you reported the problem to the Highway Authority? YES / NO
5	If yes give reference number and date reported.
6	Any other relevant information.
7	Are benefits of work commensurate with potential cost
8	Consequences

Document D (New)

Advice notes

These are to help you complete the pro-forma and also to help you produce the information that the parish council will need.

Ref.

1	<p>Description of work required and why it is needed (practical, aesthetic, H&S issues)</p> <p>When identifying the work you wish to suggest you will need to give clear instructions so that your colleagues can, if necessary prioritise the budget allocation.</p> <p>Example: Cut back encroaching vegetation for the length of the path between ??? and ???? (approximately 20 metres).Cut back shrubs to 1 metre from the path. Cut overhanging branches to clear head height.</p> <p>Photographs would be helpful.</p>
2	<p>Location and site description. Please be precise use house/road numbers/names or draw a plan on a separate sheet.</p> <p>Other information that would be helpful is whether the work is adjacent to a highway. You could also identify the area if it is close to a street light column with a number.</p>
3	<p>If the land is not highways do you know who owns it? Give details.</p> <p>If the issue is coming from land that might be a private garden then please give details.</p>
4	<p>Have you reported the problem to the Highway Authority?</p> <p>KCC website or on telephone 03000 41 81 81</p>
5	<p>If yes give reference number and date reported.</p> <p>If you have chased the report what response were you given?</p>
6	<p>Any other relevant information.</p> <p>Is the work in a conservation area or is the tree, to your knowledge, covered by a TPO?</p> <p>Have you been approached by residents about the problem?</p>

7	<p>Are benefits of work commensurate with potential cost?</p> <p>This is your opportunity to highlight local issues. Example. The path is the route that school children take. If possible identify the people in the area that will benefit from the work.</p>
8	<p>Consequences</p> <p>Example. If requesting barriers to stop cars parking where would they likely go? By taking action would the parish council just create more problems elsewhere?</p>

General advice.

Use common sense. Just because one person has spoken about an issue does not mean that everyone else wants the action. Beware of a complaint about a private property there may be a neighbours dispute going on so just keep to facts.

Item 10 Local Plan. Purpose of item: INFORMATION

Clerk’s report on MBC planning training 24 November 2015.

The Clerk and Assistant Clerk attended the training on National Planning Policy Framework and NPP Guidance and Ministerial Statements. It was an update on the local plan and how the NPPF and NPPGs were, without MBC having a local plan and 5 years’ worth of housing delivery identified, facilitating development even if MBC did not want it. A Planning Inspector might sympathise with LPA but they are following the NPPF and NPPGs and Planning Inquiries are going against LPAs when the inspector decides that the need to have houses now outweighs the adverse impact on Ancient Woodlands, Listed Buildings etc. A copy of the presentation is available for members to read if they wish.

Future training will cover: The meaning of Development, permitted development, PPGs and determining planning applications (Clerk attending); Conditions, Reasons for Refusal, Section 106 Agreements and Enforcement (Asst Clerk attending); Transport and Heritage; Landscape, Open Spaces and Ecology. Details are available from the parish office.

MBC Council meeting 09/12/15 (update). Report of the Strategic Planning, Sustainability and Transportation Committee held on 10 November 2015 - Local Development Scheme 2014 - 2017

Extract from the report.

The programme for the production of the Maidstone Borough Local Plan is set out below. Once the local plan has been submitted to the Secretary of State for examination the timetable is in the hands of the Planning Inspectorate. Although the Inspectorate has given an indication of timescales, the programme will ultimately depend on the volume and complexity of the issues raised by respondents. Further, if there are main modifications to the plan following examination, the modifications will be subject to consultation which will add approximately three months to the adoption date.

Of particular importance to the local plan programme is the Written Statement made by the Minister of State for Housing and Planning on 21 July 2015. The statement makes clear that in cases where local plans have not been produced by early 2017 (5 years after the publication of the National Planning Policy Framework), the government will “intervene to arrange for the Plan to be written, in consultation with local people, to accelerate the production of a Local Plan”. The timetable set out below will enable the Council to retain ownership of the production of its local plan.

*Maidstone Borough Local Plan Stage Timetable Publication consultation (Regulation 19)
12 February to 30 March 2016 Submission to the Secretary of State (Regulation 22)*

Item 11 Community Infrastructure Levy (CIL) Purpose of item: DECISION

Notification from KALC (e-mail 7/12/15)

A Government review of CIL is taking place and KALC considers that it is “an important opportunity for the sector to submit their experience of CIL and to promote NALC’s fairer funding objective of ensuring communities benefit from development”. “To feed into the NALC and KALC responses could you please provide any specific examples and case studies by 12 noon on Wednesday 13 January 2016”.

Clerk’s note: The majority of the 23 questions on the consultation document relate directly to the specific use of CIL and as members are aware MBC has yet to adopt it. NALC/KALC is asking for examples and the Government review committee wishes to hear from a wide range of people. There are a few questions that members may wish to respond to and the potential responses suggested below identify some issues previously commented on at Environment Committee meetings.

To complete the response the respondent would first complete a couple of questions about where their LPA actually is in regards to CIL and this should be done for any response to NALC/KALC.

On infrastructure:

i. To what extent is CIL contributing, or will it contribute, to infrastructure to support development and is that infrastructure being delivered?

Potential response. With service cuts by the principle authorities’ parish councils are being asked to fund improvements and take on more financial responsibility without any additional income. CIL could provide some income however Maidstone Borough Council has yet to adopt the legislation. A recent Maidstone Borough Council action plan has identified parish councils being approached to provide upgraded footpaths, cycle routes and accessibility improvements to footpaths to develop traffic free walking.

Development being planned in this parish will provide Kent County Council with a Section 106 for local infrastructure improvements. Kent County Council wishes to use the funding to improve a pedestrian crossing and has ignored a suggestion that to encourage users of the site to access local facilities (shops, bus service etc.) by foot it should consider upgrading an existing Public Right of Way and providing a safe crossing point.

There is concern that the CIL funds will be used to fund maintenance work and not necessarily provide new infrastructure.

vi. How are local authorities who have not adopted CIL making provision for infrastructure and how effective are these approaches?

Potential response. Provision is not being made rather services are being cut. Maidstone Borough Council and Kent County Council are now warning parish councils that if they want infrastructure improvements then funding will have to come from them or other external sources. The stock answer being received from Kent County Council is that there is no funding available and the parish council has to fund any improvements itself.

Example: to install some painted speed roundels on a road with no footway will cost the parish council between £2,000 and £2,500 because Kent County Council did not deem the issue of speeding cars safety critical. The cost is inflated as Kent County Council will only accept a professionally drawn up scheme which costs approximately £1,000-£1,500. This road is used as a rat run when there is congestion on the adjacent main highway.

Example: To install a safety barrier, seat, litter bin etc. on highway property invokes an immediate £375 bill to pay for Kent County Council to investigate the request and provide a licence/permission. The parish council has to then pay for all the work.

It is considered that parish councils are now seen as part of the revenue stream for local authorities.

On Neighbourhood issues:

xx. Is this [*the neighbourhood proportion of CIL*] encouraging communities' to support development?

Potential response. Due to the lack of adoption of CIL local communities have experienced development, within this parish mainly commercial, without any benefit.

Example-a large NEXT store development failed to provide any local benefit with only a Section 106 payment going to Maidstone Town Centre which is away from the community affected by the traffic. Further commercial development is planned for adjacent sites but again there is unlikely to be any real benefit to the local community which is faced with the additional traffic and noise.

Item 12 Matters for Information Purpose of item: INFORMATION

12.1 Briefing note Section 106s.

Legislation (Town and Country Planning Act 1990, section 106) and Government Circular (05/2005) provide "anyone with an interest in land to enter into a legal agreement with a local authority or provide a unilateral undertaking creating an obligation."

A Section 106 contribution is a legally binding agreement between the developer and the Local Planning Authority (LPA) which outlines the contribution the developer will make to the local infrastructure to offset the adverse impacts of their development. The document is with the LPA even though some payments will be made to the County Council etc. Section 106's have to be agreed at the permission granting stage or by use of a condition at that stage.

A parish council can request section 106 contributions however it generally finds it is very low down on the priority list.

There is a clear limit set to what can be funded and how much can be sought from the developer. LPA will also have priorities identified in their Local Plan and policies e.g. affordable housing and play areas.

Any Section 106 request must be:

1. Relevant to planning
2. Necessary to make the proposed development acceptable in planning terms
3. Directly related to the proposed development
4. Fairly and reasonably related in scale and kind to the proposed development, and
5. Reasonable in all other aspects.

A Section 106 cannot be used to provide funding for general improvements to already poor infrastructure if that infrastructure does not directly relate to the development (see 3 and 5 above). There are also other rules that affect when Section 106s can be received. There is a cap on how many Section 106s can be received so that a local authority doesn't use Section 106s to fund the day to day running costs for a service that is already paid for by taxes.

Section 106s generally have a deadline for them to be spend on improvements or providing a facility otherwise the funds are returned to the developer. For example a payment towards increasing the capacity of a local school might have to be spent in 5 years (see 2 and 5 above).

Various authorities and organisations will vie for payments including (with an example in brackets):

- KCC Highways (new junction to access development see 2 & 3 above);
- Healthcare (to improve local facilities to take into account the increase in patients see 3 above);
- Education (to increase the capacity of a local school see 2 & 3 above);
- Affordable Housing (to provide some, as this is part of the Local Plan and a MBC priority, see 3 above);

- Borough Council (towards providing and maintaining a play area, again part of the Local Plan and a priority, see 3 above);
- KCC Libraries and Social Services.

As there would probably be insufficient funds available to meet all the local needs each local authority will have its priorities already identified in its Local Plan and policies.

In 2010 the Government recognised that there was a knock on effect from all these individual developments and introduced the Community Infrastructure Levy (CIL) legislation which allows local authorities (including parish councils) to seek funds for infrastructure improvements further afield. It will also allow them to pool various payments to build up funding to provide larger projects. But since 2010 the Government has watered down the CIL rules. All LPAs will have to adopt CIL and MBC has this in the Local Plan Schedule for after the main local plan work.

Any CIL funding will still have to be used to improve infrastructure e.g. highway, cycle routes etc.

Clerks comment: Since the financial squeeze started Section 106 funding has become vitally important to local authorities as not only is it an external source of funding for local improvements but it also allows authorities to meet Government and other targets/priorities. Example: Currently if there are over 14 properties being planned MBC requires 40% of them to be affordable housing. This is ingrained in its Local Plan, other LPA have different thresholds and percentages.

Section 106s can also contain other conditions and in certain LPA areas agreements have been reached that on very large developments apprenticeships have been offered to increase the local skill base. This may seem to contravene 1, 2 & 5 above however if the developer willingly enters into the agreement there is no problem.

MBC could amend its threshold on when Section 106 contributions are required but it needs to be clear that these could not be challenged at a planning appeal (see 2, 3, 4, 5 above) and for this to be achieved it will really need to include them in policy that accompanies an approved and confirmed Local Plan.

Item 12.2 Abbey Court, Boarley Lane new tenants

Contact has been received from BJT Connections Ltd who now have their HQ at Abbey Court. The company is anxious to work with the local community and particularly the parish council and have offered a visit to their HQ. I have suggested to the company that this would probably be best arranged in the New Year and that I would discuss the issue with members.

The company has a Corporate Social Responsibility policy and wish to extend it to the local community and I have requested further information.