
EXTRAORDINARY COUNCIL

MINUTES of the Virtual Meeting held via Skype on Wednesday, 3 February 2021 from 7.00 pm - 8.50 pm.

PRESENT: Councillors Mike Baldock, Cameron Beart, Monique Bonney, Lloyd Bowen, Derek Carnell, Roger Clark, Simon Clark, Richard Darby, Steve Davey, Mike Dendor, Mark Ellen, Simon Fowle, Tim Gibson, Alastair Gould, James Hall, Ann Hampshire, Nicholas Hampshire, Angela Harrison, Alan Horton, James Hunt, Ken Ingleton, Carole Jackson, Elliott Jayes, Denise Knights, Peter Macdonald, Peter Marchington, Benjamin Martin (Deputy Mayor), Ben J Martin, Lee McCall, Pete Neal, Padmini Nissanga, Richard Palmer, Hannah Perkin, Ken Pugh, Ken Rowles, Julian Saunders, David Simmons, Paul Stephen (Mayor), Sarah Stephen, Bill Tatton, Eddie Thomas, Roger Truelove, Tim Valentine, Ghlin Whelan, Mike Whiting, Tony Winckless and Corrie Woodford.

OFFICERS PRESENT: Billy Attaway, Martyn Cassell, David Clifford, James Freeman, Robin Harris, Jo Millard, Jill Peet, Larissa Reed, Nick Vickers and Emma Wiggins.

435 DECLARATIONS OF INTEREST

No interests were declared.

436 REVIEW OF FEES & CHARGES 2021/22

In introducing the report, the Leader and Cabinet Member for Finance advised that it had already been considered by both Cabinet and Scrutiny Committee. The Leader said that the aim was to freeze charges at the current rate as much as possible or increase fees and charges by indexation. He drew attention to Appendix I which gave points of explanation from questions raised at the Scrutiny Committee, and Appendix II which set out the proposals for 2021/22. The Leader said that Appendix III set out the fees and charges set nationally by the Government and Appendix IV set out the fees and charges budget for the current year. He highlighted that on page 4, paragraph 2.1 should refer to Appendix IV not Appendix III and at paragraph 3.1, Appendix II not Appendix III. He proposed the recommendation which was seconded by the Deputy Cabinet Member for Finance.

The Leader of the Conservative Group asked the Chairman of the Scrutiny Committee to respond. The Chairman of the Scrutiny Committee referred to the in-depth discussion on the report at Scrutiny Committee and reminded Members of the change proposed by the Committee on Gambling Licensing, as highlighted on page 45 of the report. He gave his support for the fees and charge 2021/22.

Councillor Nicholas Hampshire spoke on the index increase in burial fees as on pages 22/23 of the report, highlighting the financial difficulties experienced by residents in the current Covid-19 pandemic. He proposed the following amendment which was seconded by Councillor Mike Whiting:

That this Council freezes burial costs at the previous year's level for 2021/22.

On being put to the vote, the amendment was agreed.

In response to a Member's question on the Pest Control contract, the Leader agreed to update the Member outside of the meeting.

In accordance with Council Procedure Rule 19(5), a recorded vote was taken, and voting was as follows:

For: Baldock, Beart, Bonney, Bowen, Carnell, R Clark, S Clark, Darby, Davey, Dendor, Ellen, Fowle, Gibson, Gould, Hall, A Hampshire, N Hampshire, Harrison, Horton, Hunt, Ingleton, Jackson, Jayes, Knights, MacDonald, Marchington, Benjamin A Martin, Ben J Martin, McCall, Neal, Nissanga, Palmer, Perkin, Pugh, Rowles, Saunders, Simmons, Paul Stephen, Sarah Stephen, Tatton, Thomas, Truelove, Valentine, Whelan, Whiting, Winckless and Woodford. Total equals 47.

Against: 0

Abstain: 0

Resolved:

(1) That the proposed fees and charges 2021/22 be agreed as set out in the report subject to the following:

(a) that this Council freezes burial costs at the previous year's level for 2021/22.

(2) That, regarding Pest Control, delegated authority be given to the Head of Commissioning, Environment and Leisure Services in consultation with the Chief Financial Officer and the Cabinet Member for Environment to amend the fees and charges, and/or the wording to the Pest Control charges based on the outcomes from industry research and expressions of interest over the coming months, and to implement the revised charges to reflect any new pest control contract start dates (which may be before or after 1 April 2021). If a suitable contract is not deemed viable, these fees and charges will be removed.

437 SWALE BOROUGH LOCAL PLAN REVIEW PRE-SUBMISSION CONSULTATION DRAFT

In introducing the report the Cabinet Member for Planning proposed an amendment to include the following recommendation, as the result of the Planning Appeal at Wises Lane, Borden was not yet known and he considered the site should be included in the consultation until its outcome. He said that Members would be kept informed of progress on the site's inclusion in the plan.

That delegated authority be given to the Head of Planning Services, in consultation with the Cabinet Member for Planning, to include site MU3 in the draft plan for the purposes of the Regulation 19 consultation, and to determine the ongoing appropriateness of this site's inclusion within the plan based on the Secretary of State's decision on the related appeal once this is known.

Members agreed to the amendment.

The Cabinet Member for Planning spoke positively on the additional affordable housing, improvements in environmental standards and the increased delivery of housing for the elderly and disabled, and the start of a regeneration strategy for Sheerness, in the draft Local Plan. He went on to describe the difficulties faced in meeting the unwelcome 10,000 additional houses set by Central Government and warned that not approving the document would mean that Swale Borough Council (SBC) would lose control of the process and where to allocate housing in the Borough.

The Cabinet Member for Planning referred to criticism that the process had been rushed to avoid the Government's changing targets, and warned that the Government were unlikely to set the targets any lower in future. He spoke of the negative consequences of delaying the approval of the consultation and the likelihood of receiving planning applications for development in the area for various sites, some of which had already been rejected by the Local Plan Panel (LPP) as suitable sites as part of the Settlement Strategy.

The Cabinet Member for Planning advised that the next Local Plan review was due for adoption in late Spring/early Summer 2022 and any delay to the consultation would result in a challenge in meeting this timescale, and could lead to opportunistic planning applications.

Finally, the Cabinet Member for Planning spoke about the plan's proposals in Teynham. He explained that Policy AO1 required a Masterplan for the village, in consultation with the residents, and that no development would take place in the village until the Masterplan was agreed. He said there was an opportunity but not a requirement to build a bypass for Teynham, and this Local Plan review was the last opportunity to offer this. The Cabinet Member for Planning referred to the inclusion of the countryside gap between Teynham and Bapchild in the plan, and said that there would be no additional development until 2028 at the earliest, if the document was approved.

In seconding the recommendation, the Deputy Cabinet Member for Planning drew attention to the Development Management Policies within the plan and highlighted that the Climate Change plans and policies were targeted, measurable and timed, and aimed to deliver the Climate Change agenda adopted by the Council. He said that the biodiversity requirements for the plan went over and above the policy framework and the transport role was integral to the plan. The Deputy Cabinet Member for Planning warned that a delay in the consultation would jeopardise the introduction of the policies.

The Leader stressed the significance and sensitivity of the subject. He praised the hard work and professionalism of officers who had worked on the plan with input from Cabinet and detailed examination by the LPP. The Leader said that this was the beginning of the process and after the public consultation, the Examination in Public (EiP) would follow and changes to the document would be possible. He reminded Members that the number of houses required was not the choice of SBC and that until the complete consultation draft document was agreed, there was no document for the public to be consulted on. The Leader said that residents should

look to their Ward Councillors for expertise, guidance and leadership on the Local Plan.

The Leader of the opposition gave thanks to the Head of Planning Services, Planning Policy Manager and her team for the complex and challenging work carried out in preparing the draft document, in a restricted time frame. He said that the plan had been rushed and he criticised the Cabinet Member for Planning for the late changes, highlighting the withdrawal of land without evaluation, then putting it back into the plan at a late stage, and he considered this action put the plan at risk. The Leader of the opposition said that the administration encouraged greater public participation but had not properly consulted the public and he could not support a rushed plan that created chaos, fantasy numbers, and the wrong houses in the wrong places, without the relevant infrastructure support.

Members were invited to speak and they made points which included:

- The plan only laid out where the coalition wanted housing to go;
- the administration had just accepted the numbers given from Central Government unlike the previous Conservative administration who challenged housing numbers when undertaking the Bearing Fruits local plan;
- sought assurance that the process carried out this far avoided potential challenge and would be robust to scrutiny by an inspector and stakeholders at the EiP;
- was critical of the progression of the draft plan without earlier public consultation;
- sought confirmation that a legal compliance checklist would be submitted, as encouraged by the Planning Advisory Service;
- stressed the importance of a robust local plan so development could be controlled;
- no plan was better than a bad plan; this was a bad plan;
- SBC were asking the public to look at an incomplete plan and on information and evidence not provided;
- concerns over incomplete Transport Modelling;
- concerns that some information would only be available after the public consultation;
- it was Central Government that set unrealistic targets;
- this local plan was set to address the balance of housing across the Borough;
- the plan did not consider highway and infrastructure issues properly;
- fear of windfall sites if the plan was not adopted;
- villages around Sittingbourne would likely be most affected by opportunistic planning applications;
- the plan was unbalanced - more than a third of the Council's plan for building was located in the Queenborough ward;
- critical that Parish Councils had no opportunity to consider the Council's preferred options;
- there was a lack of detail in the transport plan and increased air quality in the rise of traffic;
- inaccuracies in the document due to it being rushed;
- why was the allocation in Swanstree Avenue, Sittingbourne removed?

- there was still time for a Regulation 18b consultation to be carried out;
- referred to comments from the Campaign for the Protection of Rural England (CPRE) that urged the Council to hold a Regulation 18b consultation before a Regulation 19 consultation;
- some aspects of the plan were good;
- was pleased that site MU3 was back in the document; and
- was pleased that the Teynham bypass would be considered as part of the Masterplan consultation;

During the discussion, Councillor Tim Valentine proposed an amendment that the sites at Neames Forstal for 90 houses be withdrawn from the plan and come forward as a windfall site. The amendment was seconded by Councillor Benjamin A Martin. In the debate that followed some Members had sympathy but said there were consequences and challenges if the site was taken out at such a late stage. The Cabinet Member for Planning said that consultation responses on these sites would be assessed. On being put to the vote, Members did not support the amendment.

Members returned to the discussion on the original motion and raised further points including:

- Critical of the late changes to the plan
- expressed sympathy for communities that would be impacted by the plan if agreed, and said that the Cabinet Member for Planning had let residents down;
- if the plan was to proceed, there would be an increase of over 3,000 houses in the Queenborough ward with little evidence of supporting infrastructure;
- questioned the viability of a greenfield site in the plan adjacent to a large, long-standing brownfield site in Queenborough that had only been minimally developed;
- lack of services and facilities near the greenfield site at an unsustainable location in Queenborough;
- referred to the comments of the CPRE stating that additional housing sites were not required on the Isle of Sheppey;
- reminded Members that this was a review, suggested by the Planning Inspector at the Bearing Fruits EIP in 2017, to consider issues such as viability in Sittingbourne and west Sheppey and the major constraints on the highway;
- Ward Councillors needed to keep Parish Councils informed;
- understood the need for housing but needed to be in a fair and equitable manner;
- the plan placed an unfair housing burden on Queenborough which had limited facilities and public transport links;
- some allocated areas in Queenborough provided marine-based employment which would be replaced with housing under the proposals;
- how would the public consultation response be integrated into the Local Plan document?;
- concern that the proposals would cluster new developments around Faversham;

- sought assurance and asked for evidence to be presented to justify the clustering of development in locations of highway concerns and Air Quality Management hotspots;
- concern of legal challenge and costs if proposed new development did not pass the required air quality tests;
- how would building a bypass in Teynham improve the air quality in Ospringe?;
- how many hectares of grade 3 land were required to produce the same amount of food as each grade 1 hectare built on?;
- had been assured that sufficient, high level amendments had been made to the Transport Strategy to give a reasonable and acceptable outcome in relation to the Local Plan and this should not hold up the process;
- SBC had little control over numbers, only where or when development would be;
- repeating consultations were ineffective;
- there would always be winners and losers in a local plan review;
- had to look at the positive elements in the plan, for the whole Borough;
- spoke of the positive impact that the plan would have on affordable housing;
- the plan would assist smaller building companies not just big developers;
- the process had to continue as the timelines had not been extended due to the Covid-19 pandemic;
- highlighted the significant increase in housing numbers in Lynsted and Teynham;
- spoke of the lack of detail on the proposed Teynham bypass and the wards that would be impacted due to the additional traffic as a result of new development;
- referred to the increase in air pollution and the impact on health;
- spoke of the high number of empty homes that should be brought into use to offset the required housing numbers set by Government; and
- needed to hear the public's view from the consultation.

In response, the Cabinet Member for Planning said he was disappointed with the opposition's representations as no alternative suggestions were given to include in the Local Plan consultation document. He said that all the issues raised were addressed in the documents from the Local Plan Panel, which were in the public domain. The Cabinet Member for Planning said it was Ward Members' responsibility to engage with residents. He acknowledged that the plan was not perfect as housing numbers were forced upon the authority but said that the document had good strategies and delivered the targets with the minimum of harm. Finally, he warned of the consequences if the consultation document was delayed.

In accordance with Council Procedure Rule 19(2), a recorded vote was taken, and voting was as follows:

For: Baldock, Bonney, Carnell, S Clark, Darby, Davey, Ellen, Gibson, Gould, Hall, Harrison, Jackson, Jayes, Knights, Benjamin A Martin, Ben J Martin, McCall, Palmer, Perkin, Rowles, Saunders, Paul Stephen, Sarah Stephen, Tatton, Thomas, Truelove, Valentine, Whelan, Winckless and Woodford. Total equals 30.

Against: Beart, Bowen, R Clark, Dendor, Fowle, A Hampshire, N Hampshire, Horton, Hunt, Ingleton, MacDonald, Marchington, Neal, Nissanga, Pugh, Simmons, Whiting. Total equals 17.

Abstain: 0

Resolved:

(1) That the summaries of the remaining evidence for the Local Plan Review be noted.

(2) That the addendum to the Statement of Community Involvement that sets out how the Council will address COVID-19-related restrictions in light of the usual need to have hard copies of documents available be agreed.

(3) That the Local Plan Review pre-submission draft and accompanying documents as set out in Regulation 22 be agreed and commended for approval for the purposes of public consultation and submission to the Secretary of State in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012.

(4) That delegated authority be granted to the Planning Policy Manager and Head of Planning Services, in consultation with the Cabinet Member for Planning to agree minor amendments to the documents that are non-material prior to submission and during the course of the examination if required.

(5) That delegated authority be given to the Head of Planning Services, in consultation with the Cabinet Member for Planning, to include site MU3 in the draft plan for the purposes of the Regulation 19 consultation, and to determine the ongoing appropriateness of this site's inclusion within the plan based on the Secretary of State's decision on the related appeal once this is known.

438 ADJOURNEMENT

The meeting was adjourned at 8.20pm and reconvened at 8.25pm.

Chairman

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