

Meeting between TMBC and Wouldham residents
28th February 2014 – 9am
Meeting Room A, Gibson Building, Kings Hill

Attendees:

Nicolas Heslop (NH) Leader of TMBC, Steve Humphrey (SH) Director of Planning, Housing and Environmental Health at TMBC, Lindsay Pearson (LP) Chief Planning Officer at TMBC, Adrian Stanfield, (AS) Director of Central Services and Monitoring Officer at TMBC, Cllr Roger Dalton (RD) Borough Councillor, Cllr Dave Davis (DD), Borough Councillor, Cllr Richard Stone (RS), Chairman of WPC, Ken Savage (KS) Vice Chairman of WPC, Cllr Jenny Head (JH) WPC, Sarah Eggesden (SE) Clerk to WPC, Wouldham residents; Keith Churcher (KC), Rob Flood (RF), Tim Fulwell (TF) (also a Parish Councillor) and Gill Goode (GG)

1. Welcome

NH, as chairman, welcomed everyone to the meeting. He outlined the process for preparation and agreement of the minutes, with SE to prepare the initial draft. The minutes would be circulated to all parties to be agreed by noon on 7/3/14. Minutes will then be put in the public domain once agreed. TMBC will take ownership of the minutes.

2. Introductions

Introductions were carried out prior to the meeting starting.

3. Peters Pit

(i) History of Peters Pit

Allocation of site: SH outlined a brief history of site which had a long gestation period since the mid 1980's when future development on the east bank of the Medway was considered. From the 1990's, the site was identified within the Kent Structure Plan as a strategic development site. The TMBC Local Development Framework (LDF) adopted in 2007, was the most recent in a series of Development Plans which specifically allocated the site for housing development. The planning status is important as a lot of thought and consideration had gone into this major development for the area. Nothing has changed since then in terms of the importance of the site for housing, if anything it is more important now as TMBC have a continued identified need for housing but TMBC wanted to be clear on the background and evolution of this application.

Public Consultation: A significant amount of consultation took place particularly in connection with the planning applications. There was a public meeting in Burham Village Hall, 240 consultation letters sent out along with 5 Parish Councils consulted. There were 89 responses to the applications.

Section 106 agreements: Two s106 obligations were entered into - one with KCC, dealing with buses, highway works (M20/ Junction 4), libraries and education matters and the other with TMBC, dealing with matters including community facilities and flood prevention works. (details of both available online on TMBC website).

Grant of planning permissions: Permission was granted in 2006 with an extensive set of conditions. Some work has already been executed eg. Pylons shifted, excavations and earthworks and this has preserved the planning permission. There are conditions on the permission that require the submission of further details and consultations will be made on these submissions as and when appropriate.

Proposed Compulsory purchase: TMBC had resolved to make a compulsory purchase for the land for the bridge in order that the development could proceed. It is legitimate and proper for this happen. TMBC didn't have to go through this process in the end as the developer was able to acquire the land from the owners.

Questions were invited.

GG - question had been raised about the hedgerow in Hall Road.

TMBC confirmed that the permission can be carried out without the authority's permission as highway/drainage work needs to be carried out and this means that the requirements of the Hedgerow Regulations do not apply.

TF - Were the Parish Councils and the public consulted on the content of the 106 obligations?

No, this is not normal practice. The drafting of the obligations will however seek to ensure the requirements reflect the principles agreed by Members at the Area 3 Planning Committee. The final obligations are on the TMBC website.

KC -There is a concern that the Public Inquiry did not allow residents to submit their case.

Duplicate applications were submitted. This is unusual but there is nothing wrong with this. The Inquiry was held following the non-determination of the first application submitted as TMBC had not determined this within the statutory timeframe. In March 2006, there were two identical applications before the Area 3 Planning Committee – in respect of the first (i.e. that application that had been appealed for non-determination), Committee Members were asked to take a view on what decision they would have reached had it been determined within the statutory timeframe so the Borough Council had a position on this before it went to the Inquiry. Members agreed to grant permission on the second application subject to resolution of the outstanding highways issues, Trenport entering into a s106 agreement and various conditions. The Committee meeting on 23 March 2006 took into account the PC's and public views. The Highways issue was not resolved until the day of the Inquiry but once this happened TMBC was in a position to grant permission. It is important to note that the Public Inquiry was closed by the Inspector following confirmation by Trenport that the outstanding issues had been resolved. There was therefore nothing in front of the inspector to consider.

KC -As members of public had prepared a case for the Inquiry, should TMBC have let them have their say?

It was not within TMBC's power to give this opportunity. This was a matter for the Inspector who presided over the Inquiry. Furthermore, once the highway matters had been resolved Trenport were able to advise the Inspector that the inquiry was no longer necessary.

DD - Had it had gone to Public Inquiry, how much say would the member of public had?

Yes they would have been allowed to speak but it would have been up to the Inspector. It is however important to note there were two applications for Peters Village and the second application (which was approved) was not subject to the Public Inquiry.

KC -What was the sticking point on the application? Was the non determination down to TMBC? Yes, TMBC have a duty but when an application is complex it may go over the time limit (13 weeks for a major development). Although unusual for TMBC, it is not unusual across the country for an applicant to submit two identical applications in order to ensure that they are able to appeal (should the first application not be determined within the statutory timeframe) and get a Public Inquiry date at the earliest opportunity. In the meantime, discussions can continue on the second application.

TF stated that although TMBC have explained this clearly, the Public Inquiry situation was confusing at the time, and led to people feeling they had not had an opportunity to comment on the application..

Questions were asked about the conditions.

On a general note, TMBC are unable to talk about some of the conditions as yet, as they have not seen the submissions from Trenport.

TF -What scope do members of public have for changing conditions?

There are 37 conditions and TMBC need a degree of information from the developer. There will be opportunity to consult on these, such as appearance of buildings, height, archaeological and ecological factors.

KC -How much say and influence will members of public have as they are concerned about the character of the village?

TMBC have to judge this in conjunction with the master plan from the planning permission. There is an opportunity as we all want a quality development. Planning permission is tied to the master plan and we can discuss the precise detail. The developer may come back and seek to alter the master plan. Public opinion will be considered by the planners and Area 3 Committee.

DD - What would have been the best solution for the application; going to Public Inquiry or what happened?

Reaching an agreement outside of a Public Inquiry is preferable in respect of conditions that TMBC can impose. With an Inquiry, there is normally less ability for the Council to impose controls through conditions, as these will be determined by the Inspector.

The Planning Committee procedure was explained. Members can call in any application to Committee.

KC - Was the proposal for TMBC to purchase the land and rights for bridge to be constructed over the railway line covered by the compulsory purchase?

Yes.

(iii) Specific issues addressed during application process & in s106 agreement

Highways/Traffic:

GG - Will traffic and flooding be reviewed?

No as it was last reviewed in 2012 as part of the revised Environmental Assessment.

RF - There is concern that the village will become a rat run. RF stated that he had lived in the area for a considerable time and he believed the village would become a rat run.

The greenway intends to deter movement and manage the traffic flow to make it unattractive. The greenway is agreed with KCC. It is designed to discourage traffic in either direction but provide a degree of access within Wouldham Village.

TF pointed out that the traffic assessment showed more traffic using Hall Road than Court Road. LP said he would need to check the detail of this.

GG - It is felt that a 40 second delay is not long enough.

GG stated that Rochester Bridge often had a 5 to 10 minute delay and RF stated that cars can be queuing for 10 minutes in Blue Bell Hill so a 40 second delay is not a deterrent. RF felt that, given that this will be an alternative to queuing on Bluebell Hill a wait of 10 minutes (and of course they

think 40 seconds will deter) will be acceptable to the rat runners. Another factor is that those 10 minutes will be saved by the considerably shorter distance involved with going through Borstal / Wouldham (not to mention the saving on fuel).

TMBC are not sure on the delay time but this is subject to discussion with KCC Highways.

TF - Could something along the lines of 'dart tags' be looked at to issue to the buses and residents? TMBC are happy to take this up with Highways although it understands buses have a problem with this as they would require transponders installed.

KC - Could drop posts be installed?

KCC are wary of these. The greenway has been approved and alterations will need to be agreed with Trenport and KCC.

In Condition 27 of the submission, it mentions buses and public vehicles. What is the definition of a public vehicle and will there be traffic lights at both ends of the greenway?

TMBC do not have the details and would have to take this up with KCC.

TF - Can Wouldham have more parking in the village due to the increase in traffic from Peters Village?

No as there is not any planning justification for this. TMBC are willing to look at any parking plans from the Parish Council but would advise them to think about funding and management of parking.

TF - Are TMBC in a position to fund a public car park in the village?

No, TMBC or KCC are not in a position to currently fund any public car park. TMBC is shortly reaching a position where it will have to borrow money for projects, as do many Councils. TMBC would urge the village to consider carefully any maintenance costs for a car park and its business rate costs.

GG wondered if the Church of England have enough money to fund a car park for the church as land is already set aside.

TF - Could the Tramway area and Church Place be put into the local plan as protected car parking areas?

TMBC would look at this if it is put forward via the Parish Council and Borough Councillors.

It was agreed that any further Highways ideas should be submitted to WPC and Borough Councillors to look at and pass onto TMBC. Robin Gilbert and LP would then look at them and discuss with KCC.

Flooding: This was last tested in 2012 and Peters Pit is subject to controls by the EA. The EA is fully aware of the river situation and it is important to make sure the development is not flooded. There will be opportunity to look at matters in more detail as development progresses. TMBC will be reviewing this with Trenport.

RF - The greenway is designated as a flood area by the Environment Agency (EA).

The design of the improvements will take that into account but it is an approved way forward.

KC -With the recent freak change in weather conditions which seem to be happening with

regular occurrence, this is a concern also with sink holes appearing in the ground due to the rise of water in the water table. There was a concern about the natural springs being capped which could lead to pressure loading elsewhere causing damage to low lying properties. Can TMBC assure residents that modifications on the flood defences are to be completed to 5.1 aodn before building takes place as the works on the new village will cause a 50mm rise in river height which will again put lower lying properties at increased risk?

Flood prevention at Ferry Lane is not required before the developments starts but a financial contribution towards the works is required. The above interpretation is not right but TMBC will liaise with Trenport and the EA on this.

DD advised that the Borough Council had committed £700,000 in its capital plan to the repair of the river wall at Wouldham.

KC - There is concern with the recent flooding in Yalding that Councils will need to find resources to resolve flooding issues. There was further concern that TMBC would be at risk of huge compensation claims (not Trenport) if the sites viability was not looked at again.

It is the EA's responsibility and not for TMBC to fund flood protection. However, TMBC recognises that it would be right to revisit flooding concerns with the EA and the applicant, which it would do. The Environmental Impact Assessment was revisited in 2012 in connection with the application made by Trenport for a licence from the Marine Management Organisation.

KC - There is a concern about drainage of the site and contaminated water being put back into the river.

Trenport have an obligation with the EA. A license is required with conditions regarding dealing with surface water. . Further liaison/ monitoring will take place with Trenport & the EA as the construction phase progresses.

TMBC will also have to engage with KCC on this as they will be at some time in the future the adoption authority for sustainable drainage systems (SUDS) (N.B. the detailed secondary legislation is not yet in place to require/enable KCC to adopt SUDS under SUDS legislation.) Southern Water Services are the adoption authority for sewers to carry foul sewage and below ground surface water.

GG -What are the concrete blocks for in Peters Pit? A photo was circulated.

TMBC were not sure on this but probably trial chalk banks to measure settlement.

DD believed they were level platforms for chalk compression testing which needed survey points. Confirmation would need to be sought with Trenport.

Height of buildings: *TF commented on the height of buildings in the new development. A height of 20.5 metres on the river was far too tall compared to Wouldham and Burham.*

When planning permission was granted in 2006, the Committee asked officers to pursue with Trenport the height of the buildings along the river frontage, with a view to these being reduced to accommodate buildings appropriate to this location. LP mentioned that there are photographs in existence that show high factory/ works buildings on the river frontage.

Newts:

GG -There was concern regarding the SSSI breeding as the newts were aquifer natural water bodies and this is the only site in the country. GG pointed out that aquifer fed naturally fluctuating water bodies are a very rare important habitat in the UK and internationally and thought the SSSI should be recognised for this habitat and not just for the breeding population of great crested newts.

Also it was stated that large sections of the newt barrier were currently flooded and there were concerns about the newts dispersing from the SSSI.

The relocation of newts was done with Natural England consent, the statutory body. TMBC can look at this but it is a Natural England decision and Trenport have a responsibility to meet the requirements of Natural England. Residents were advised to contact Natural England with any concerns.

Bus Service:

TF - A new bus service is to be introduced into the Pit and Court Road. Could there be one route through the village? It was thought that one route through the villages would be more viable, and that only ten people were required anywhere along a bus route to make a journey viable.

This would have to be discussed with the service provider. In light of the fact that the provisions relating to the bus service were negotiated some time ago, there would be an opportunity to review these. There is an opportunity here to increase the bus service and provide a route across the bridge to the A228 to the railway station in Snodland. It is worth looking at the routes now and preparing this. This is a KCC issue.

Matthew Arnold was identified as the correct person to contact at Arriva but KCC has the overview rather than a single operator.

Education:

TF - There is concern on school capacity in the area.

KCC will want to review this as there is provision in Peters Village for a school. Holborough Primary School will be going ahead and it is anticipated there will be access across the bridge from late 2016. KCC hold an annual review of school place requirements.

GG - Will there be allotments in Peters Village?

This is not an issue for TMBC but for the WPC to look at. The Parish Council would need to pursue these as Allotment Authority.

TF asked how the travel plan will be monitored?

They will go back and look at modern thinking in relation to the design of junction 4. There will be opportunity to make comments on this.

(iv) Reserved matters & details/prospects for future public consultation

This had been looked at earlier.

(v) Miscellaneous matters – Land ownership

A question had been raised about land ownership by KC

TMBC explained that you do not need to own the land to obtain planning permission but you would have to provide a certificate to the planning authority when making your application to prove either that you do own it or have notified the owner(s) of your intention to apply for permission. The appropriate certificate has been provided in respect of Peters Village. This was checked before the planning was submitted and as far as TMBC are aware Trenport own all the land they need to complete this development.

KC - Do Trenport own the land or the mineral rights below it? Land registry cannot provide a plan with the title number.

Land registry should be able to provide a plan. You need to pay for office copies and title plans. TMBC do not hold the information on this. The red line on a planning application shows who owns the land at that stage. It was suggested that any interested parties ask Lafarge what land they own. KC advised that he had tried this but Lafarge were not under any obligation to provide a plan as they were not a public body, which TMBC confirmed as correct.

4. Allotments

TMBC stated that currently there is not a planning application for any development on the allotment site in Wouldham. If there is a will to put one forward, it should be put forward under the new Local Plan as TMBC will have the new housing targets for the borough. If it is a housing proposal, it would be helpful to be accompanied by a Housing Needs Survey (HNS). A development to raise funding for a village hall is legitimate if it had a fair amount of local support. There is no desire to promote this by TMBC. If there was desire, that would allow debate. TMBC have not seen the HNS results. GG handed 1 page of the survey to TMBC, which she said showed that residents were against building on the allotments.

DD - If the village wishes to pursue this, under the Local Plan, could it secure in any way that the housing development will contribute to a village hall?

Yes it could secure this through a planning permission supported by an appropriate section 106 obligation.

Can housing be built on allotment land?

If it is demonstrated that there is not a demand for the allotments, or if the allotments can be replaced and enhanced and if there is a identifiable demand and need for housing.

GG stated someone appeared to be promoting the idea of building on the allotments.

KC - In 2006, SH stated in a letter that due to Peters Village development, he would not consider further development in the area for a very long time.

SH advised that the need for any further development now would stand to be judged against the new National policy context that the local plan would need to reflect.

Residents present stated further building is not wanted by the village according to a survey they have carried out and would prefer to raise funds for a new hall.

TMBC advised that an application has not been submitted and at present it would be inappropriate and unnecessary for a view to be given.

KC - Can TMBC help towards funding a new hall?

The Borough Council is not in a position to currently assist in the funding of a new village hall.

GG - There is concern with some residents regarding secret meetings held by WPC throughout 2013. A resident is concerned that his house will be compulsory purchased for the access road to the proposed development. Another unofficial survey has now been delivered to residents from Tracey Crouch and the Borough Councillors.

TMBC are not in a position to get involved at this point in time as this is a parish matter although it was pointed out that Tracey Crouch and the Borough Councillors are the elected members and there is nothing wrong with them putting out a survey of this nature. It is not unreasonable for them to want to know the overall feeling in the village.

Would an informal survey be considered with a planning application?

The HNS is a technical survey and part of the development process. An informal survey would be considered as part of the consultation.

A survey was carried out on 1/2/14 at a residents meeting on residents who attended this. Would this be considered by TMBC and a request was made to put the survey forward. TMBC advised that there is not any advantage to putting this forward without an application being submitted. Also weight of opinion may shift when an application is put together. Surveys of residents are capable of being a material consideration in the determination of a planning application, although it is not weight of numbers who responded to a survey that matters – rather it is the strength of the planning argument put forward.

KC thanked TMBC for allowing this meeting and answering residents questions. NH thanked everyone for attending. He concluded by saying that it would be helpful to TMBC staff if residents could consolidate any ideas and further questions on Peters Village in one report to TMBC. SH said that the Council were willing to work with residents – in all likelihood there would be some matters that could probably be changed, others that were possibly open to change and others in respect of which no change would be possible. Furthermore, some matters would be within the gift of agencies other than TMBC

The meeting closed at 11am.