

Dunkirk Parish Council – Full Council Meeting

Minutes of Full Council meeting held at Dunkirk Village Hall 20 November 2023 at 7.00pm

Present:

Parish Councillors: Cllr K. Kemp (Chair), Cllr J. Tutt, Cllr D. Brice, Cllr G. Hewett and, Cllr P. Barkaway.
Cllr R Lehmann (KCC & SBC) & Cllr A. Gould (SBC)
R Parr (Clerk).

There were five members of the public.

1. **Declaration:** Any Declarations of Interest by members present to be made at the commencement of the meeting
None
2. **Apologies for absence**
Apologies for Cllr J. Clifford were accepted.
3. **Minutes of the full council meeting of the 16th October 2023.** A motion to approve the minutes by all present was approved with unanimous approval from those that attended.
Minutes of the extraordinary meeting of the 6th November 2023. A motion to approve the minutes by all present was proposed and seconded with approval from those that attended.
4. **Public Participation & PC Gary Morris –Update**
 - i) An update was provided by PC Garry Morris who had just held a surgery at the village hall. He briefed the Council and members of the Public, on what had been happening within the Parish. This included 3 reports of theft from vehicles, and the issue of tickets to drivers who were parking illegally overnight at Gate Services. He reported that he had been carrying out random speed checks through the village and would continue to do so. The Chair thanked him, and the Councillors were pleased that he was taking an active interest in the concerns of our Parishioners.
 - ii) A number of parishioners raised ongoing concerns over speeding. The Chair updated them that the new limits were still works in progress and with PC Gary Morris' assistance in the matter, there was little more that the Parish Council could do at this point in time.
5. **Planning:**
 - A. **Received Applications:**
22/505369/FULL | Proposed removal of containers and brick toilet and erection of data storage facility building with associated off street parking | Former RAF Mast Site Courtenay Road Dunkirk Kent ME13 9LH – Approved at SBC planning Committee.
 - B. **Consider Applications:**
 - i. 23/504375/FULL | Demolition of vacant hotel and the erection of a freestanding McDonald's Restaurant with drive thru facility, car parking, landscaping and associated works, including Customer Order Displays (COD). | Former Travelodge Canterbury West London Road Dunkirk Faversham Kent ME13 9LL

Dunkirk Parish Council discussed the application noting a number of concerns regarding traffic management, potential for queuing and litter. In addition, there were concerns of safety aspects in getting to the site for pedestrians and bus services. The council voted unanimously to object to the application with the comments provided in Appendix 1.
6. **Correspondence**
 - i. The Council were reassured that PC Gary Morris was taking action over speeding in the Parish. The payment for KCC for the new speeding signs was in the November payment run.
 - ii. Courtenay Road Parking. This had been addressed by PC Morris and it appears residents were complying. Concerns were raised with regards to the potential for narrowing of the road due to the on road parking and it was agreed by the Council to continue to monitor.

- iii. Swale Borough Council's Draft Street Trading Policy - Consultation is open from 1st November 2023 – 29th December 2023.
- iv. Kent Cycling and Walking Infrastructure Plan Consultation - open until 10 January 2024
- v. Kent Fire and Rescue Survey - Residents have until 1 February 2024 to have your say and influence on what KFRS should focus on over the next four years, to help keep everyone safe.
- vi. Swale Borough Council draft parking policy – Consultation until the 2 January, 2024.

All above details for iii – vi were added to the website and FB

7. Matters for public concern:

A. Highways Issues

- i. Update on Clearway works by National Highways – The Council had received a response from their letter from National Highways (NH). The improvement works were in the pipeline but subject to receiving funding. It was not known when this would occur.

B. Footpaths, Verges & Hedges

None.

C. TPOs

None.

8. Speed Limits/TRO - Update

Invoice in November's payment. The Clerk has requested SBC for the £100 grant towards the project. **Action:** The Clerk is to inform Cllr Lehmann when payment had been made so that he can chase for a date for works

9. National Highways and KCC Works Complaint – Consider Response and decide on the way forward

The Council had received a response from NH. It was discussed that greater cooperation was needed between NH and KCC. **Action:** No response yet from KCC Highways manager for Swale (was forwarded by Rich Lehmann) who would chase. NH had requested details where the Council consider works were not up to standard. The last full resurfacing was in October 2021. **Action:** The Clerk is to respond to NH with the information.

10. Consider and decide Playing Field Projects – Update following Historic England Meeting

The Clerk had a meeting with Historic England (HE) to discuss the geophysical survey results and the way forward in terms of potential future projects. HE were happy to consider projects in areas on the survey that did not suggest any activity. Any projects would require approval with a written scheme of investigation, a watching brief and post WB report. They were supportive with regards to works on the entrance to the field that only impacted the surface area. Hedging would be acceptable in the western boundary north of the metal container. Concrete block could be added to benches and tables. However, the Council discussed and resolved to retain the current set-up.

Cllr Gould left the meeting.

11. Churchyard Maintenance

Cathrine Ngangira, the new vicar will attend the extraordinary meeting on the 4th December to provide an update on the PCC meeting and the PCC approach to maintaining the churchyard.

12. Finance

- i. Clerks Pay- The Council noted and approved Clerk's pay increase as per national guidelines.
- ii. Approve Finance Report - The Clerk read through the contents of the Finance Report for the end of October, which was approved by the Council and signed by the Chair
- iii. Approve Payments: The Council voted to approve the following payments for November. Regarding the payment to KCC for the speeding project, Cllr Tutt wishes his objection be noted due to the cost being higher than the budgeted amount of £2500.

A/C Name	Invoice No.	Chq No	Description	Net	VAT	Gross
Rebecca Parr		L - Online	Salary 10/23- 11/23	777.40	0.00	777.40
Rebecca Parr			Backdated Pay to 1st April 2023	324.00		324.00
Rebecca Parr		L - Online	TAX - HMRC	95.41	0.00	95.41
Rebecca Parr			Net Pay	1005.99	0.00	1005.99
Rebecca Parr	Advice only	S/O	Office Expenses	20.00	0.00	20.00
Rebecca Parr		L- Online	Expenses - eSim	15.44	0.00	15.44
Rebecca Parr Total				1041.43	0.00	1041.43
Ladybirds		L - Online	October churchyard	168.00	0.00	168.00
SSE		L - Online	Streetlights October 2023	66.14	3.31	69.45
G Doy		L- Online	Grass Cutting - September	70.00	0.00	70.00
KCC		L- Online	Speed Reduction	3257.14	0.00	3257.14
Kevin Kemp		L-Online	Chairman's Allowance	50.00		50.00
Royal British Legion	7220270870	Chq - 000002	Wreath	20.00	0.00	20.00
Prime One	1413	L- Online	October Streetlight Maintenance	211.43	42.28	253.71
Total				4884.14	45.59	4929.73

- iv. SSE Billing Update – The Clerk advised that there may be some more adjustments and the Clerk has escalated a complaint to SSE via Utility Aid.
- v. Discuss Financial Year End and 2024/2025 Budget. The Clerk highlighted a number of areas having circulated the proposed budget and commentary a couple of weeks ahead of the meeting. The council agreed that more time was needed to review and it was resolved to defer until December’s full council meeting.
- vi. Approve Reserves Policy - The Clerk had ahead of the meeting prepared and circulated a Reserves Policy as recommended by the JPAG based on the NALC model reserves policy. The Council resolved unanimously to approve and adopt. **Action:** The Clerk is to add to the website.

13. Village Hall Land titles

Investigations are still ongoing. Deferred until next full council meeting.

14. KALC Award Scheme – discuss whether to adopt

The Clerk advised that the closing date for nominations will be 2nd February 2024. The Local council can decide or ask public to nominate. The Clerk advised that no nominations were received last year. The Council resolved to invite the public to nominate. The awards would be mentioned in the Boughton Magazine and also on the website & Facebook. The Council agreed to add to the January full council meeting agenda for vote on nominations.

15. Climate Ecology Bill – Discuss and consider whether to support

The Clerk advised that there was a Reading due on the 24th November and a draft motion to adopt the bill and lobby your MP had been circulated ahead of the meeting. The Council unanimously resolved not to adopt.

16. Biodiversity Policy

The Council discussed and resolved to agree to adopt the draft prepared for the council at the October meeting by the clerk.

Publications Policy

The publication scheme commits an authority to make information available to the public as part of its normal business activities as required by the ICO and in a model format provided by the ICO. The Clerk had prepared a document which was approved unanimously by the council. **Action:** The Clerk is to add to the website.

17. Bossenden Wood Memorial Stone

The Council discussed and agreed that the stone probably could be repaired in-house by Councillors and was taken forward by a number of councillors to action.

18. Community Youth Forum

Cllr Hewett confirmed that there was no update currently but he did expect to have an update for the next full council meeting. He confirmed that he had been speaking to the Head of Burgess House from the Simon Langton School and had received some interest on his part to involve some of the pupils.

19. Regular Cleaning of new shelters

The Clerk had prepared the new contract which had been circulated to councillors ahead of the meeting. The Council unanimously approved the contract wording. **Action:** The Clerk is to present to the cleaning company for signing.

20. Milestones

The PC was still waiting to hear from SBC regarding ownership. However, a parishioner attended to state that they believe that the stone was under their ownership on private property. The item was deferred pending further clarification.

21. Councillor's Reports

- i. Cllr Lehmann provided an update that the potential for the closure of Faversham tip had stalled. And no consultation was forthcoming. However, this may resurrect at some point in future.
- ii. Cllr Lehmann advised that KCC were looking for more foster carers
- iii. Cllr Lehmann advised that there was a grant available for 3 year old trees. However, the Council has no land for these to consider.
- iv. A Councillor had attended the KALC AGM. And provided an update.
- v. A councillor made representations to Cllr Lehmann with regards to SBC planning enforcement and their incompetence in respect of allowing the statutory time limit to be reach on an application through non action and a recent case that had been invalidated correctly and the case removed from the website causing lack of information issues on a planning Inspectorate case. **Action:** The Council agreed to forward the relevant information to Cllr Gould and Lehmann for them to take forward.
- vi. A councillor raised concerns regarding a new structure that had occurred in the parish and appeared to be without planning. **Action:** The Clerk is to report.

22. Parish Pollinator Project

The Council discussed the erosion of local woodland in the parish and it was agreed to compare the current situation to previous decades. It was noted that there was a lack of sites in which the PC could plant trees.

23. Administration/ Clerk's

- i. The Clerk advised that a formal resignation had been received by the Chair from Cllr Smith on Wednesday 15th November. The Chair offered thanks to Nicola Smith for their contribution to the Council. The Clerk had liaised with SBC Election Services and had formally produced a notice of the vacancy that had been added to the website and noticeboards. If there are no calls for an election until the 8th December then the Council can co-opt at the December's full meeting.
- ii. December's full meeting would also need to include an agenda item for Vice Chair and additional bank signatories The Chair advised that a volunteer to produce the Boughton Magazine Articles was required and that he would prepare the article for November.
- iii. The Clerk advised in preparation for the new streetlight contract that there would be a small increase from £253.71 to £257.38 due to one extra light (35 Horselees). Will need to add motion to approve the increase at the extraordinary meeting. A councillor requested for the Clerk to ask Prime One for a map and photos of all the streetlights.
- iv. The Clerk provided an update on the Staplestreet flooding.
- v. The Clerk advised of leave due on the 11-14th December 2023. A councillor volunteered to post the agenda onto the noticeboard on the 12th December.

24. Clerk's Pension – Agree Maintenance Options

The Chair updated the council in that he had sought advice from KALC with regards to maintenance options and that for the protection of all parties concerned, the advice was to seek an external provider for which the Council unanimously agreed.

25. Items to be placed on the next Full Meeting

- i. Co-option
- ii. Vice chair
- iii. Bank mandate

The Chair closed the meeting at 9.55pm

Date of next meetings:	Extraordinary (if required) :	4 December 2023
	Full Council Meeting:	18 December 2023

Rebecca Parr,
Clerk to Dunkirk Parish Council

Signed
Chair

Signed
Vice Chair

Date

Date

PLEASE VISIT OUR NEW WEBSITE FOR ALL THE LATEST NEWS IN AND AROUND THE VILLAGE: www.dunkirkpc.org.uk

Town and Country Planning Act 1990

APP/V2255/C/23/3327688

Appeal by Ms Ingrid Eissfeldt

Site Address: Land East of Courtenay House, London Road, Dunkirk, FAVERSHAM, Kent, ME13 9LF

The appeal(s) are on ground(s) (a), (b), (c), (f) as set out at Section 174(2) of the 1990 Act.

Dunkirk Parish Council submit this in support of the enforcement action being upheld.

Material Considerations

There are a number of material considerations that the Dunkirk Parish Council [DPC] found to weigh heavily against the application which we believe should be considered by the planning inspectorate.

The application is outside the Dunkirk built-up area boundary, it is in the countryside and in an area where new residential development is unacceptable as a matter of principle (Swale Borough Council [SBC] and the Boughton and Dunkirk Neighbourhood Plan[B&DNP]).

It is, therefore, contrary to SBC Bearing Fruits 2031 and B&DNP policies. It is also contrary to the Swale Settlement Strategy, which seeks to restrict development in the countryside other than in exceptional circumstances and to protect the countryside for its own sake.

Residential development in this location does not constitute sustainable development and is considered contrary to the following policies;

ST1, ST3, ST7, CP3, DM14, DM24

DM26 of the Bearing Fruits 2031:

The Swale Borough Local Plan 2017,

The National Planning Policy Framework 2021 (as amended),

National Planning Policy Guidance

Policy ST3. Specifically:

ST3.4. Other villages with built-up area boundaries. [Dunkirk] as shown on the Proposals Map, will provide development on minor infill and redevelopment sites within the built-up area boundaries where compatible with the settlement's character, amenity, landscape setting, heritage or biodiversity value and;

ST3.5. At locations in the open countryside, outside the built-up area boundaries shown on the Proposals Map, development will not be permitted, unless supported by national planning policy and able to demonstrate that it would contribute to protecting and, where appropriate, enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside, its buildings, and the vitality of rural communities.

The site does not support a net biodiversity gain as required by the Boughton and Dunkirk (made) Neighbourhood Plan [B&DNP] E8. Many trees on the site have been cut down in recent years, shown on the aerial photographs, reducing the current on-site biodiversity dramatically, not 'enhancing the intrinsic value, landscape setting, tranquillity and beauty of the countryside, its buildings and the vitality of rural communities' as SBC ST3 suggests.

The land is in designation 'Land of High Landscape Value (Kent Level) DM24' and presents an unacceptable intrusion in the landscape.

The site is adjacent to Courtenay House, which DPC has requested to be a non-designated heritage asset. Thought to have been built 1870 – 1890. The new shepherds hut caravan already on site is not in keeping and distracts from the elegance of the imposing Courtenay House.

The site is adjacent to a scheduled monument, the WWII radar station Dunkirk, and will distract from its setting.

It is contrary to B&DNP (made) policies:

E1, E2, E3 protection of the countryside and the non-designated heritage asset surroundings of Courtenay House.

E4, E5 within high value landscape area and proximity to pond with great crested newts.

E8 requirement to show a net biodiversity net gain.

E9, E10 the proposal does not show high-quality design with suitable layout and access (the only access to the site is pedestrian – see title deed). This access is onto SBC Rural Lane DM26.

Furthermore, the grounds of the appeal are;

Appeal states “A Caravan has been onsite and occupied since about 2013/2014 by the previous landowner Mrs Julie Datlen”.

Our response is; Aerial photograph via Google Earth in 2013 clearly shows no sign of any caravan. Any use would have been ancillary to Flat ‘A’ and not continuous.

Aerial photograph via Google Earth in 2017 shows only a tourer caravan owned by Mrs Datlen but that was stored on the land owned at that time by Mrs Datlen, local knowledge reported to DPC is that it was not occupied on site as is being claimed, it was used for touring holidays in different parts of the country and was not always on site, therefore could not have been permanently on site and occupied.

Aerial photograph via Google Earth in 2018 shows a container had been put on the ground where the touring caravan had been parked, the tourer caravan was then parked in front of the container, local knowledge, reported to DPC, is that the container was put on to the site to store garden furniture BarBQ and various gardening tools that were being used to maintain the land.

Aerial photograph via Google Earth in 2019 shows that there is no longer a touring caravan on the site, the Container can still be seen.

Aerial photograph via Google Earth in 2020 shows additional container has been put on the site but no caravan.

Aerial photograph via Google Earth in 2021 shows containers still present on the land but no caravan.

Aerial photograph via Bing Maps in 2023 shows one container present on site one having been removed and the Shepherds Hut as an addition.

The aerial photographic evidence shows that no caravan was on site and occupied continuously for the previous 10 years, nor indeed the previous 4 years.

The medical condition alleged by the appellant, we suggest, would affect her in any type of home and no evidence has been submitted to prove this location is any different to her previous address (which was nearly 300metres from a trunk road). If a medical condition is being claimed as part of the appeal, then surely a medical report to back up this claim should also be presented as part of the case to officers, and noted in the documents submitted (although of course specific personal information would kept private).

DPC reasons.

There has been a breach of planning and the occupation of a mobile home on the land is not proved to have been continuous for the previous four years, local knowledge and the aerial photographs can be seen to repudiate this assertion.

DPC, therefore, respectfully request that the appeal is dismissed. This will then allow the enforcement notice to be executed.

Additional comments.

There are various claims and counter claims by the residents of Courtenay House which are probably a civil matter and not material considerations but there is allegedly a restrictive covenant which states; the title deeds for the transfer of the land when originally split from Courtenay House contain a restrictive covenant "Not to erect any building on the land hereby transferred without first submitting the plans and elevations thereof to and obtaining prior written consent of the owner for the time being of the remainder of the land comprised in the title above mentioned", that land being what is now called Courtenay House. We do not believe that this permission was sought nor given. Whilst this may be a civil matter between the owners of Courtenay House and Ms Eissfeldt, we do think it should be taken into consideration by the planning authorities.

Land East of Courtenay House Nov 2023



Bing Maps 2023



Google map 30.3.2021



Google map 09.3.2021



07.05.2020



16.05.2019



09.04.2017



07.04.2014



09.07.2013

Swale Borough Council are trying to introduce changes to the way you can have your views heard at the Planning Committee. For many years, Swale have been an example to other Kent Boroughs where, if there is a representation from a Town or Parish, 3 or more parishioners it would be referred to the democratically elected Ward Members on the Planning Committee. (Usually when T & P are of a different view to the Case Officer). **Now, without consultation or warning, they're trying to change the democratic process.**

I apologise for the length of this document. It is complex, difficult to understand but you need to engage.

The agenda for the planning and transportation working group on the 19th September was discussed and officers were asked to look at it again as ward councillors had a numerous issues with the suggested changes to delegated powers. The documents – (**latest** is appendix 3 on page 2 onward, with the historic parts after) shows SBC officer changes that will be presented to Planning and Transportation Policy Working Group meeting on Thursday, 23rd November 2023 7.00pm, link below.

<https://services.swale.gov.uk/meetings/ieListDocuments.aspx?CId=354&MId=3946>

A number of changes are still being carried forward unchanged. The main areas of concern are:

2.8.15.1 Should also include referencing the Boughton and Dunkirk Neighbourhood Plan which is 'made' and the only up to date plan in the Borough.

2.8.15.2 This means **all** householder applications will be under delegated powers. They say this is because the planning committee hasn't overturned a report in 6 months. After this they never can, and your parishioners will be disadvantaged.

2.8.15.2 a) Accepted change.

2.8.15.2 b) This becomes discretionary and if head of planning thinks their action not to give extra time is reasonable – then tough – that'll be it. This will mean all T&P councils will need to hold extraordinary meetings, within the three-week period, to be sure you comply with the Town and Country Planning Act.

2.8.15.2 c) This has been deleted, probably as SBC state at 2.8.15.2 all/most will be delegated anyway !

2.8.15.2 d) Subjective Head of Planning assessment of what is 'in the public interest'. Most of you have experienced what SBC feel is 'not in the public interest' when it comes to enforcement.

2.8.15.12 Officers decide enforcement & **notify** chair, vice chair & ward cllrs of planning. No consultation.

2.8.15.18 SBC to respond without any consultation with the elected members.

3.1.38.5 Can't work out what opportunity anyone has to talk to an application/deferred meeting.

Regarding declaration of 'lobbying', hopefully all ward councillors talk to T&P councils about applications. Will this be considered as lobbying? And, without knowing the law, will a councillor be barred from voting.?

I strongly recommend that you talk to your Ward Councillors to ensure they are aware of this, before your views on planning applications are discarded and delegated to officers, with a loss of democracy to town and parish councils AND parishioners.

I organised a session to explain in detail what Councillors will be expected to do by Swale Borough Council, to enable your representations to be heard at Committee, and discuss the explicit reasons you need to give, on 14th November '23 at Iwade Village Hall. This was well attended, and delegates thought it gave them a great deal of information. PowerPoint to be circulated.

Kind regards

Cllr Jeff Tutt. Chairman, Swale Area Committee.

Appendix 3: Changes proposed following PTPWG on 19th September 2023

Recommendations brought to PTPWG on 19th September are shown as at appendix 2 (additions indicated in red type; proposed deletions struck through). Additional changes for specific consideration in November are highlighted grey.

2.8.15 DELEGATIONS TO THE HEAD OF PLANNING SERVICES

2.8.15.1. To determine applications, negotiate and enter into Section 106 Agreements, to agree minor variations to planning obligations, to respond to prior notifications, and to make observations on behalf of the Borough Council in accordance with the provisions of the appropriate Development Plan or other adopted Borough Council Planning Policy Guidance.

2.8.15.2. The delegated powers in paragraph 1 above shall always apply in the case of prior notifications, and shall apply in the case of householder applications excepting section (d) below, but otherwise shall not be exercised in the following circumstances:

(a) Any planning applications submitted by a member or officer of the Council, for Council development (whether involving Council owned land or not) or on Council-owned land;

(b) Applications where the decision of the Head of Planning would conflict with reasons set out in any written representation received within the specified representation period from during the statutory consultation period (as specified within the Town and Country Planning (Development Management Procedure) (England) Order (2015) or any superseding legislation, or within an extension of time period agreed by officers, such consent not to be unreasonably withheld or delayed, from:

(v) Any Member of the Borough Council;

(vi) A statutory consultee;

(iii) A Parish or Town Council where it is clearly stated that the Parish or Town Council want the application to be reported to the Planning Committee;

Provided that any such representations from (ii) or (iii) above are, in the professional opinion of the Head of Planning, based upon relevant planning considerations.

Where the Head of Planning determines that a representation from (iii) above is not based on relevant considerations, they will write to the town or parish council to notify them that the application will not be reported to the planning committee.

Where the Head of Planning determines that a representation from (iii) above is based on relevant considerations and the parish council has clearly stated that they want the application to be reported to the Planning Committee, the Head of Planning will write to the town or parish council to encourage them to send a speaker to the relevant Planning Committee meeting.

~~(c) Applications where the decision of the Head of Planning would conflict with letters of representations, or petitions, from at least three separate addresses received within the specified representation period from persons or bodies (other than those set out in (a) above) provided that any such representations are, in the opinion of the Head of Planning, based upon relevant planning considerations and relevant Ward Member requests that the application should be reported to the Planning Committee; and~~

(d) Applications which the Head of Planning considers to be in the public interest, principally (but not exclusively) those which would meet the standard triggers for Environmental Impact Assessment submission are sufficiently major or raise difficult questions of policy interpretation or any unusual or difficult issues which warrant Member determination.

~~2.8.15.9. To respond to hedgerow notifications in consultation with the appropriate ward member(s).~~

2.8.15.12. To authorise, sign and serve all enforcement and other notices under the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) (England) regulations

2007 on behalf of the Council following ~~consultation with~~ **notifying** the Planning Committee Chair ~~or~~ **and** Vice-Chair and local ward Member(s).

2.8.15.18. To respond to consultations from neighbouring planning authorities including Kent County Council ~~following consultation with the Planning Committee Chair or Vice Chair, and the relevant Ward Member(s).~~

Committee Procedure Rules:

3.1.38.5. The Chair will welcome any members of the public **who are present in the public gallery, and remind them that the following proceedings are a meeting in public, not a public meeting, and that they are able to observe but not contribute to the debate. The Chair will specifically welcome any members of the public** who are registered to speak on any item. ~~They will inform the meeting that in the event that an item is deferred to a site meeting of the Planning Working Group, members of the public may speak both at this meeting and at the site meeting, but there will be no further opportunity to speak on the matter when it comes back to the Planning Committee for final determination.~~

Members to be asked at the start of each Committee to declare whether they have been lobbied by any party seeking to influence their view.

All Planning Committee votes are to be recorded votes.

Members who vote contrary to the officer's recommendation are to provide, in writing to the Head of Planning within seven days from date of Committee, their reasons for taking a contrary view.

Appendix 2: Changes proposed to Planning and Transportation Policy Working Group on 19th September 2023.

Proposed additions are indicated in **red type**; proposed deletions are struck through.

The rationale for these changes can be found on pages 11 – 18 of the original Working Group **report**.

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(a) Any planning applications submitted by a member or officer of the Council, for Council development (whether involving Council owned land or not) **or on Council-owned land**;

(b) Applications where the decision of the Head of Planning would conflict with **reasons set out in** any written representation received within the specified representation period from **during the statutory consultation period (as specified within the Town and Country Planning (Development Management Procedure) (England) Order (2015) or any superseding legislation** from:

(iii) Any Member of the Borough Council;

(iv) A statutory consultee;

(iii) A Parish or Town Council **where it is clearly stated that the Parish or Town Council want the application to be reported to the Planning Committee**;

Provided that any such representations from (ii) or (iii) above are, in the opinion of the Head of Planning, based upon relevant planning considerations.

Where the Head of Planning determines that a representation from (iii) above is not based on relevant considerations, they will write to the town or parish council to notify them that the application will not be reported to the planning committee.

(c) Applications where the decision of the Head of Planning would conflict with letters of representations, or petitions, from at least three separate addresses received within the specified representation period from persons or bodies (other than those set out in (a) above) provided that any such representations are, in the opinion of the Head of Planning, based upon relevant planning considerations and relevant Ward Member requests that the application should be reported to the Planning Committee; and

(d) Applications which the Head of Planning considers **to be in the public interest** are sufficiently major or raise difficult questions of policy interpretation or any unusual or difficult issues which warrant Member determination.

2.8.15.9. To respond to hedgerow notifications in consultation with the appropriate ward member(s).

2.8.15.12. To authorise, sign and serve all enforcement and other notices under the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) (England) regulations 2007 on behalf of the Council following **notifying** consultation with the Planning Committee Chair or **and** Vice-Chair and local ward Member(s).

2.8.15.18. To respond to consultations from neighbouring planning authorities including Kent County Council following consultation with the Planning Committee Chair or Vice Chair, and the relevant Ward Member(s).

Committee Procedure Rules:

3.1.38.5. The Chair will welcome any members of the public **who are present in the public gallery, and remind them that the following proceedings are a meeting in public, not a public meeting, and that they are able to observe but not contribute to the debate. The Chair will specifically welcome any members of the public** who are registered to speak on any item. They will inform the meeting that in the event that an item is deferred to a site meeting of the Planning Working Group, members of the public may speak both at this meeting and at the site meeting, but there will be no further opportunity to speak on the matter when it comes back to the Planning Committee for final determination.

Members to be asked at the start of each Committee whether they have been lobbied by any party seeking to influence their view.

All Planning Committee votes are to be recorded votes.

Members who vote contrary to the officer's recommendation are to provide, in writing to the Head of Planning within seven days from date of Committee, their reasons for taking a contrary view.

8 Background Papers

[Planning and Transportation Policy Working Group agenda pack – 19th September 2023](#) (pp9 – 19).

[Planning and Transportation Policy Working Group minutes – 19th September 2023](#)

Appendix 1: The Existing Scheme of Delegation and Committee Procedure Rules: sections proposed for change – as written in the current Constitution.

2.8.15 DELEGATIONS TO THE HEAD OF PLANNING SERVICES

2.8.15.1. To determine applications, negotiate and enter into Section 106 Agreements, to agree minor variations to planning obligations, to respond to prior notifications, and to make observations on behalf of the Borough Council in accordance with the provisions of the appropriate Development Plan or other adopted Borough Council Planning Policy Guidance.

2.8.15.2. The delegated powers in paragraph 1 above shall not be exercised in the following circumstances:

(a) Any planning applications submitted by a member of the Council or Members of staff and for Council development (whether involving Council owned land or not);

(b) Applications where the decision of the Head of Planning would conflict with any written representation received within the specified representation period from:

(i) Any Member of the Borough Council;

(ii) A statutory consultee;

(iii) A Parish or Town Council;

Provided that any such representations from (ii) or (iii) above are, in the opinion of the Head of Planning, based upon relevant planning considerations.

(c) Applications where the decision of the Head of Planning would conflict with letters of representations, or petitions, from at least three separate addresses received within the specified representation period from persons or bodies (other than those set out in (a) above) provided that any such representations are, in the opinion of the Head of Planning, based upon relevant planning considerations and relevant Ward Member requests that the application should be reported to the Planning Committee; and

(d) Applications which the Head of Planning considers are sufficiently major or raise difficult questions of policy interpretation or any unusual or difficult issues which warrant Member determination.

2.8.15.9. To respond to hedgerow notifications in consultation with the appropriate ward member(s).

2.8.15.12. To authorise, sign and serve all enforcement and other notices under the Town and Country Planning Act 1990 and the Town and Country Planning (Control of Advertisements) (England) regulations 2007 on behalf of the Council following consultation with the Planning Committee Chair or Vice-Chair and local ward Member(s).

2.8.15.18. To respond to consultations from neighbouring planning authorities including Kent County Council following consultation with the Planning Committee Chair or Vice Chair, and the relevant Ward Member(s).

Committee Procedure Rules:

3.1.38.5. The Chair will welcome any members of the public who are registered to speak on any item. They will inform the meeting that in the event that an item is deferred to a site meeting of the Planning Working Group, members of the public may speak both at this meeting and at the site meeting, but there will be no further opportunity to speak on the matter when it comes back to the Planning Committee for final determination.