

WEST MALLING PARISH COUNCIL

MINUTES OF A MEETING OF THE
PARISH COUNCIL
HELD ON 4TH JANUARY 2021, 7.30 PM
VIA ZOOM CONFERENCE CALL

Present: Mrs Trudy Dean (Chairman)
Ms Gwyneth Barkham
Mr Keith Bullard
Mrs Linda Javens
Ms Sara Margetts
Ms Camilla Medhurst
Ms Min Stacpoole
Mr Nick Stapleton
Mr Peter Stevens
Mr David Thompson

Minute		Action by	Action taken	Response
21/01	<u>APOLOGIES FOR ABSENCE</u> were received from Mrs Yvonne Smyth and Borough Councillor Brian Luker			
21/02	<u>DECLARATIONS OF INTEREST</u> - none			
21/03	<u>MINUTES</u> – the minutes of the meeting held on 7 th December were approved and are to be signed at a later date.	TD	✓	
21/04	<u>MATTERS ARISING</u> – 20/541 - Broadwater Farm / Berkeley Homes meeting – it was confirmed that the meeting is to take place on Thursday 7 th January at 4.30. Members of both West and East Malling Parish Councils will be in attendance.			
21/05	<u>CHAIRMAN'S ANNOUNCEMENTS</u> - KALC Award 2020 – The 2020 community award was presented to Bob & Eileen Vago during a Zoom meeting of the Malling Society. The award was presented on behalf of the Council to recognise their work at The twitch Inn Heritage Centre. Mr & Mrs Vago would like to acknowledge the work of Ron Martin who also plays an important role in the running of The Twitch Inn. Budget / Precept 21/22 – The Council is not in a position to set the budget at tonight's meeting and this shall be deferred until Monday 18 th January.			
21/06	<u>QUESTIONS FROM MEMBERS OF THE PUBLIC</u> - none			
21/07	<u>QUESTIONS FROM COUNCILLORS</u> – There was a general discussion regarding litter within the town, in particular discarded take			

	<p>away coffee cups. Mr Stapleton to speak with TMBC</p> <p>Complaints have been received regarding the queues outside of Roses which have forced members of the public to walk in the road, residents are also commenting on a lack of social distancing within the queues.</p> <p>It was also noted that people are congregating with take away alcohol which is being sold by The Five Pointed Star.</p>			
21/08	<u>POLICING MATTERS</u>			
08.1	<u>Police Update</u> – no formal police update received.			
08.2	<u>Annual Policing Survey</u> – Ms Barkham reported that she had completed the annual survey and that she found the questions to be leading in nature and unsatisfactory. Mrs Dean to draft a letter to the PCC with this feedback.	TD		
08.3	<u>Other Policing Matters</u> - none			
21/09	<u>LOCAL PLAN / WATES PAYMENTS</u>			
	<p>Payment of £3216.67 to East Malling & Larkfield Parish Council was authorised, this is reimbursement for the work undertaken by Kevin Goodwin on both the Wates appeal and the Local Plan. See accounts for payment below.</p> <p>It was noted that the Clerk is waiting on invoices from Richard Buxton Solicitors in respect of both the Local Plan & Wates. It is hoped that the final costs will be available by the meeting to be held on 18th January.</p> <p>It was noted that there may be additional costs incurred in respect of a reply to the Inspector regarding the impact of the Local Plan Inspector's letter on her decision on Wates.</p>			
21/10	<u>LOCAL PLAN UPDATE</u>			
	<p>A further letter has now been received from the Inspectors which outlines why the Local Plan hearings have been halted.</p> <p>The letter dated 15th December stated that 'Section 33A of the Planning & Compulsory Purchase Act 2004 imposes a duty on local planning authority to cooperate with other local planning authorities, the County Council and prescribed bodies or other persons by engaging constructively, actively and on an ongoing basis in relation to the preparation of a development plan document so far as relating to a strategic matter to maximise the effectiveness of the activity of plan preparation.</p> <p>The letter continues that Sevenoaks District Council (SDC) as a neighbouring local authority considers that it is unable to meet all of its own housing needs and that there is no evidence that T&MBC engaged in any meaningful discussions with SDC to consider how the strategic matter of unmet need could be resolved. There is evidence that SDC and TMBC had regular meetings 'but there is no evidence that unmet housing need in SDC was discussed.'</p> <p>In addition, there is no evidence that at any time 'the Council cooperated or even considered cooperating with SDC on a joint review of the Green Belt to understand the comparative quality across the two districts and any potential to amend Green Belt boundaries to fully or more fully meet needs'.</p> <p>The Inspectors conclude that T&MBC failed to engage constructively, actively and on an ongoing basis in the preparation of the plan and that this cannot be remedied during the examination of the plan. The Council are invited to withdraw the plan from examination or failing that, the Inspectors will issue a final report recommending that the plan is not adopted due to a failure to meet the Duty to Cooperate.</p> <p>The letter can be found in full at https://www.tmbc.gov.uk/services/planning-and-development/planning/planning-local-plans/local-plan-examination-contents/examination-</p>			

[documents](#)

It was agreed that a letter be sent to the Inspector from the Planning Committee as per the decision at the planning meeting on 22/12/20.

Letter to Tom Tugendhat MP

In response to the Inspector's letter, it was agreed that the following letter be sent to Tom Tugendhat MP.

Subsequent to the meeting, this letter was also sent to Tracy Crouch MP and on her request to Aylesford & Ditton Parish Councils.

Dear Tom,

I'm writing to you on behalf of West Malling Parish Council about our deep concern for the future of open countryside in the Malling area as a result of the current position regarding the draft Local Plan.

Whilst we have yet to see TMBC's response to the second letter from the Inspectors, it is a stinging criticism of TMBC officers and of councillors' failure to oversee the progress of the Local Plan.

The issue in contention is that TMBC have so far failed to produce any evidence of a series of meetings which officers had with Sevenoaks and Tunbridge Wells Officers to discuss the 'duty to cooperate' on housing provision. The failure to cooperate means automatically that TMBC's Plan does not conform to Government regulations and, unless it is withdrawn by TMBC, will be refused.

If TMBC has to start a new Local Plan again from the beginning, the consequences are extremely serious.

The current Local Plan ends in Spring 2021.

There is still no Five Year Land Bank. Though at the Forty Acres Appeal TMBC officers produced a current list of permitted and expected potential sites totalling 4.3 years, developers challenged the process they used to arrive at that figure. The Malling Parishes lie outside the Green Belt. The other most commonly cited ground for refusal, that of unacceptable traffic impact, is also of little value when nationally no appeal has yet been upheld on the basis of unacceptable traffic impact.

That means that there will be little or no protection against planning applications for residential development, whether or not they were included within the draft Local Plan.

Whilst Green Belt sites have added protection, in the absence of a five year housing land bank, it is not a strong defence against planning permission, as we saw in the West Malling London Road decision. TMBC will be obliged to grant consent to virtually all applications, because they have no way of fighting off an appeal, save where there are exceptional circumstances. We were able to demonstrate such circumstances in West Malling with regard to the nationally listed Scheduled Ancient Monument of West Malling Abbey which enjoys the same protection as Stonehenge. Such exceptions are rare.

This nightmare will only end when a new Plan is written and approved. That could take around two years and will involve an immediate uplift of 23% in the housing requirement.

This could rise even further as Government has still to put into law the final housing targets proposed for councils, though it has thankfully withdrawn from the most recent proposals which would have meant over 40% increase in TMBC.

The major focus now must be for TMBC to move quickly to gain the only possible protection by fulfilling the Five Year Land Bank requirement by granting planning consent to less contentious sites already within the draft Plan. This will affect the Broadwater Farm application which is expected very soon. More immediately, there are also consequences for the Wates application on Forty Acres.

It was part of our case against Wates that the application was premature, as the land was part of a proposed Green Belt extension within the draft Local Plan, for which the final Examination in Public had already begun in October. That argument is now considerably

	<p><i>undermined. (TMBC have already withdrawn their objection on this ground after the first EIP hearings, fearing they might receive an adverse Inspectors' decision.) The Inspector in the Wates case has invited the rule 6 parties to comment on how we think the new Local Plan position should affect her judgement on the Wates case.</i></p> <p><i>I cannot underestimate the seriousness of the situation in planning terms for this area. As you know, the Malling parishes are the only part of your constituency which lies outside the Green Belt. These parishes have contributed hugely to housing demand in the Borough in recent years, with the development of Leybourne Chase, Holborough Lakes, Peters Village, Bradbourne Park, Kings Hill, Leybourne Park, Leybourne Lakes and, and in the current Plan at Broadwater Farm, and at EMRS/ NIAB.</i></p> <p><i>West Malling, and East Malling and Larkfield Parish Councils have fought for many years for the Borough Council to extend the Green Belt to protect our diminishing countryside. This was finally included as a policy in the draft Local Plan which we are now in danger of losing.</i></p> <p><i>Much of our problem is the result of Government regulations and the Duty to Cooperate. Ironically this duty is expected to disappear during 2021, as Mr Jenrick has announced in his White Paper proposals. It would seem extraordinarily unfair if TMBC Plan is refused because of a duty which is shortly to be deleted.</i></p> <p><i>In view of the serious consequences for the green countryside in Malling, we ask that you approach Mr Jenrick to inject some pragmatism into this contradictory position, and pause the Local Plan processes in TMBC until the position with regard to the duty to cooperate is clarified, or until the position with regard to Housing supply can be agreed between Sevenoaks and Tonbridge and Malling. This also provides a breathing space necessary to allow TMBC to identify a <u>robust</u> Five Year Land Supply, that delivers housing in the right place.</i></p> <p><i>This would appear to be the only way forward which would afford the Malling Parishes any degree of protection against any application for housing development over the time taken to redraft the Local Plan, which could take over two years. We fear that at the end of any such process, there will be little countryside left to protect.</i></p> <p><i>You will be aware that both in response to the draft Local Plan, and the Wates proposals for Forty Acres, residents' support has been exceptionally high for protecting our diminishing countryside. No other part of your constituency is in danger of such imminent and irretrievable loss of countryside.</i></p> <p><i>You may also be aware the Berkeley Homes signalled just before Christmas, that they wish to extend their Broadwater Farm development by about 50% more land to the north of Pikey Lane, not scheduled for development in the draft Local Plan . A new application has also been deposited in the last few days from Croudace for 330 further houses on Hermitage Lane south of Barming Station, and also not in the Local Plan. We therefore ask that you take urgent action in defence of our remaining countryside.</i></p> <p><i>We appreciate that it may appear contradictory to both seek the protection of a Local Plan against speculative development, and ask nevertheless for a pause in the process. It is highly regrettable that the parlous state of the draft Local Plan provides no way out of the current impasse which is without a downside.</i></p> <p><i>This letter is being shared with East Malling and Larkfield Parish Council and Tracey Crouch. At her request I am also copying it to Aylesford and Ditton Parish Councils.</i></p> <p><i>With best wishes for what is already proving a challenging year.</i></p> <p><i>Trudy Dean</i></p>		
<p>21/11</p>	<p><u>PROVISION OF PUBLIC TOILETS IN WEST MALLING</u></p>		
	<p>The Council is now in receipt of revised estimated annual cleaning costs for the King Street toilets, these costs (provided on the basis that the contract is a joint one with other parishes) reduce the overall estimated annual running cost of the toilets to £12,000.</p>		

	<p>There was a general discussion as to whether or not WMPC should accept ownership of the public toilets and following a vote (6 against accepting ownership) it was agreed not to agree to a transfer of the public conveniences from T&MBC to WMPC.</p> <p>It was agreed that a letter be sent to the Chamber of Commerce to advise them of the decision and that a shop scheme be discussed at a future date.</p>			
21/12	<u>ROTARY HOUSE</u>			
12.1	<p>It was agreed that in view of the confidential nature of the business to be transacted it was advisable in the public interest that the public and press be temporarily excluded and asked to withdraw in accordance with the Public Bodies (Admission to Meetings) Act 1960.</p> <p>It was noted that Mr Beswarick of Hicks attended Rotary House and provided guidance as to works that may need to be undertaken and advised on information that KCC would hold such as an asbestos certificate, dates for electric & roof inspections etc.</p> <p>It was agreed that an independent structural survey would be carried out.</p>			
12.2	<p>Public Consultation – applications for finance from the Public Works Loan Board need to be considered by KALC prior to submission. Part of the pre-submission criteria is that the public authority consult with residents, in particular if the loan will result in an increase in the precept.</p> <p>It was agreed that the council would not at this stage consult with residents. To ensure a worthwhile consultation, it was agreed that further information about the current condition of the building and potential future uses for the land / building should be considered in more detail.</p>			
21/13	<u>BUDGET/ PRECEPT</u>			
13.1	<p><u>Council Tax Base</u></p> <p>It was noted that the Council Tax Base for West Malling for 2021/22 is 1,138.21 (this being the number of equivalent Band D properties)</p> <p>The Council Tax Base has increased from 1,137.77 to 1,138.21.</p>			
13.2	<p><u>Committee Budgets</u></p> <p>Amendments to the committee budgets were noted and agreed including a 2% pay rise to staff.</p>			
13.3	<p><u>Precept</u></p> <p>Precept to be agreed at an extraordinary meeting of the Council on Monday 18th January.</p>			
21/14	<u>NALC CLIMATE CHANGE SURVEY</u>			
	<p>Draft response as drafted by Ms Margetts and Ms Stacpoole had been circulated and was agreed. To be submitted by 29th January.</p> <p>Ms Margetts to submit</p>	SM	✓	
21/15	<u>FINANCIAL MATTERS</u>			
15.1	Accounts for payment - totalling £16,164.46 were approved - see attached.			
15.2	Financial Statement – bank reconciliation as at 31 st December was received – see attached			
21/16	<u>MATTERS FOR REPORT</u>			
16.1	Amenities Committee – receipt was noted, of the draft minutes of the meeting held on 14 th December 2020			

	There were no questions.			
16.2	<p>Planning Committee – Mr Thompson provided a verbal report of the meeting held on 22nd December 2020.</p> <p>There were no questions.</p>			
16.3	Malling Action Partnership – no report.			
16.4	School Governors – no report			
16.5	Malling Society – a meeting has been held to discuss possible ways in which the £10,000 Business Rate Grant could be spent.			
16.6	Chamber of Commerce / Christmas Lights Committee – no report			
16.7	Tonbridge & Malling Borough Council – it was noted that the next Parish Partnership meeting is to be held on Thursday 4 th February.			
16.8	<p>KALC/NALC/ACRK/CPRE: KALC – KALC News – receipt of the December KALC News was noted.</p>			
21/17	<p><u>MEETING DATES</u></p> <p>Amenities Committee – Monday 11th January 2021 (concentrating on allotments)</p> <p>Finance & General Purposes Committee – Monday 18th January 2021</p> <p>Planning Committee – Tuesday 26th January 2021</p> <p>Full Council – Monday 1st February 2021</p>			
21/18	<p><u>REPORT OF BOROUGH COUNCILLOR, NICK STAPLETON</u></p> <p>The garden waste fee is to be increased as from April 2021 - the average across the county is £44.50. The Tonbridge and Malling fee will increase from £40 to £42.</p> <p>The maximum fine which TMBC can give out currently to people littering is £100. This will be increasing to £150, again as from April next year.</p> <p>The household bulky waste collection service, for up to six items, will also be increasing, from £55 to £56, with up to two fridges or freezers increasing from £33 to £34. Again, coming in from April 2021.</p> <p>All of these were agreed at the recent Street Scene Advisory Board, and will now go to Cabinet for their decision.</p> <p><u>REPORT OF BOROUGH COUNCILLOR, BRIAN LUKER</u></p> <p>Cllr Luker reported that he had been assisting residents with issues such as loneliness, housing and domestic abuse, signposting them to specialist services where necessary.</p>			
21/19	<p><u>REPORT OF COUNTY COUNCILLOR</u></p> <p>Mrs Dean reported:</p> <p>Local Plan I understand that both TMBC, and Sevenoaks are taking legal advice on whether to mount a challenge to the Government Inspectors' stance on their respective Local Plans. In Sevenoaks case it would be a challenge to the High Court ruling. The Inspectors have indicated that unless TMBC can produce evidence that they fulfilled their duty to cooperate positively and transparently with Sevenoaks, TMBC must withdraw the draft Local Plan, or the Inspectors will refuse approval for it.</p>			

In terms of achieving a Five year Land Supply, I understand that the grant of Planning consent to 300 houses on Ditton Edge is held up awaiting KCC legal agreements on s106 Arrangements, as well as the Secretary of States response to the residents request to call in the Borough Councils decision to approve the application. An application for a further up to 330 Houses south of Barming Station on Hermitage Lane by Croudace (ref 20/0279/0A has been received. This site is not in the draft Local Plan.
I have circulated a draft letter to Tom Tugendhat for the council to consider today.

Wates application on Forty Acres

The Inspector has requested all parties to send her their comments on how the Local Plan Inspectors' position impacts on arguments presented to her at the Appeal Inquiry. I have circulated today the letter sent by our legal team on this issue.

Kent Schools

Whilst the decision on whether to keep schools open or closed lies with the Headteacher, Government has shown it will pursue legal action against any school which it considers contravenes Government advice without good reason.

Before Christmas, Government threatened legal action to force schools in Greenwich to remain open, when Greenwich council was telling their schools to close. However, Government decided late on Friday that all Primary Schools in London should remain closed until Jan 18th, and in Kent, Primary schools in Tonbridge and Malling and 7 other Boroughs will remain closed until Jan 18th. They will open today, Monday 4th in Folkestone, Canterbury, Dover and Thanet but not in Tunbridge Wells where cases are the lowest in Kent. Secondary schools have been told to open for vulnerable children, children of keyworkers and those in exam years on January 11th, with all other pupils returning on the 18th.

In my view it makes no sense to close schools in London which is in tier 4, but to keep them open in other tier 4 areas including Kent. Nor does there seem any reason to have different opening dates for Primary and Secondary pupils.

The Imperial College study of the new strain (B117) of the virus shows that it is hugely more infectious. It also shows that virus cases are highest in children and young people from birth to 19 years right now.

We know that children are very unlikely to suffer serious effects from the virus. But we also know that in recent weeks, despite lockdown, Kent school children have been bringing the infection from school back into their homes. This has led to cases rocketing, filling our hospitals with older and more vulnerable patients, more of whom will die. Both Maidstone and Pembury ICUs were full last week.

Infections rose throughout lockdown when schools were open, and have begun to fall in parts of Kent, since schools closed for the Christmas holidays. What has happened in the south east is spreading to the rest of the country.

The Education Union, and Association of Headteachers, and the Leader of KCC have supported keeping schools closed until Jan 18th.

If we really are following the science, all Schools should close countrywide to contain the new strain as much as possible. They should also close for long enough to allow vaccination programmes to give teachers, school staff, health workers, key workers, the elderly and most vulnerable the essential protection they must have.

That is likely to take two months.

In the meantime Government must ensure that the many children who still have no access to computers and tablets do receive them, to enable all children to progress with online learning.

Larkfield Library closes for Covid testing centre

I heard on Wednesday that a Covid testing centre will open at Larkfield Library on Thursday 7th Jan. This centre is only for people without symptoms, and is aimed at finding people who nevertheless have the disease and are therefore spreading it. Workers in health, care, schools and other front line jobs will be prioritised for the first week.

Whilst this is good news in the fight to slow infections, there are a couple of problems residents can help with.

Firstly, Tests must be booked in advance and at present this can only be done online at <https://kcc.healthit.org.uk/covbook/home>. So please offer to help register friends or relatives without computer access. Opening times are 9am to 7 pm seven days a week. Secondly over 600 people a day are expected to attend the centre and the restricted parking is going to be a problem. So please walk to the centre if you can. I have been assured the

	<p>centre will be moved if traffic jams prove to be a problem. The Library will be closed from Monday for seven weeks and users are being asked to visit Borough Green Library instead. People with symptoms should book a test via the NHS System and locally tests are being done at Ditton Community Centre. Vaccinations continue to be by invitation only from GP surgeries, and in this area that is being carried out at Leybourne Village Hall, for key workers, older and more vulnerable patients.</p> <p>Cross Channel Traffic. Despite emergency arrangements to cover Brexit, the closure of the French border due to virus 117 caused widespread chaos, congestion, and long hours without food, water and toilets for lorry drivers. Lorry drivers blocked the access to the port, and were reluctant to give up their place in the queue to go to testing centre. A critical incident was declared, and 800 troops helped with the emergency from Christmas Day.</p> <p>Evidence of a negative test taken within 72 hours is required by all people travelling to France probably until Jan 8th at least.</p> <p>Traffic is expected to be light this week and to build gradually thereafter. Kent has capacity for 7,850 lorries to be held at Dover, Manston, and Sevington (by February) in the event of further hold ups. Inland border checks are being carried out at Ebbsfleet and Watermeadow (near Sevington)</p> <p>Recycle your Christmas Tree and help HoK Hospice. Register your Christmas Tree for doorstep collection and recycling by Heart of Kent Hospice at orlo.uk/L0wKw</p> <p>Members Community Fund I have made grants to West Malling Community Choir for Covid compliant accommodation(£2k) Leybourne Park Residents Association (£2k) for play equipment, and East Malling Community Centre (£1,725) for redecoration inside and out and window repair work.</p> <p>20 mph throughout Malling Central. Using Members Community Fund, I have paid for plans to be drawn up for a signs and road markings only 20 mph limit to include all residential roads in West Malling, East Malling and Larkfield. Informal consultation is heavily in favour of extending the existing system in West Malling. Formal consultation starts in Larkfield on Friday for three weeks. If consultation results are favourable, work will be undertaken after May 2021.</p>			
	<p>There being no other business, the Chairman thanked members for attending and closed the meeting at 9.40</p> <p>Signed..... Dated.....</p>			

West Malling Parish Council								
Accounts for Payment 4th January 2021							cheques to be drawn	
Authorised under Section 137								
Home-Start South West Kent (cheque 2254) (Donation autorised at Full Council on 7/12/20)							£ 500.00	
<hr/>								
East Malling & Larkfield Parish Council (cheque 2255) (KG Creative Consultancy - invoice 176 Wates £1300.00 + invoice 175 for Local Plan £1916.67). Both invoices have been split 3 ways with EM& LPC & Leybourne PC							£3,216.67	
Streetlights (single cheque 2256) (invoice 11857 - repair work columns 6, 30, 37, 39, 62 & 109)							950.00 VAT 190.00	£1,140.00
Streetlights (invoice 11858 - Phased repair work as per budget)							7145.00 VAT 1429.00	£8,574.00
Nurture Landscapes Services Ltd (cheque 2257) (invoice 6003989 December maintenance. Overmarking of football pitch)							27.80 VAT 5.56	£ 33.36
Mr Harding (cheque 2258) (deposit return for allotment plot 29A)								£ 50.00
January Salaries								
Mrs Claire Christmas - authorisation to pay via Faster Payments (Clerk - net salary for January £1539.49 + reimbursement for fax £1.20, sundries £4.80, postage £16.92)								£1,562.41
Mrs Sarah Howard authorisation to pay via Faster Payments (Ass Clerk - net salary for January £378.22)								£378.22
HMRC - authorisation to pay via Faster Payments (Deductions from salaries - January)								£574.61
Nest - authorisation to pay pension contributions by Direct Debit for January								
Employer's contributions							£ 57.94	
Employee's contributions							£ 77.25	
TOTAL								£ 16,164.46

WEST MALLING PARISH COUNCIL						
Financial Statement as at 31 December 2020						
Reconciliation						
Balance b/f from 2019/2020						£ 93,046.92
<u>plus</u>						
total receipts 1.04.20-31.03.21						£ 143,188.13
<u>less</u>						
total payments 1.04.20 - 31.03.21						£ 71,973.61
					Total	£ 164,261.44
Deposit account						£ 72,048.47
Current account				£93,008.74		
less unrepresented cheques				£795.77		
						<u>£ 92,212.97</u>
					Total	£ 164,261.44
<u>Unrepresented Cheques</u>				<u>Date Issued</u>		
2223 TMBC		£117.00		02.11.20		
2237 KALC		£60.00				
2245 Mrs Dean		£26.40		7.12.20		
2246 RBL		£50.00				
2248 All Wired Up Electrical		£79.20				
2249 Streetlights		£335.10				
2251 Mr Pearce		<u>£128.07</u>				
		£795.77				