

SCHOOLS AT POPES FIELD

Press release

At a recent meeting the Parish Council's Environment Committee reluctantly agreed to no further action to challenge the MBC decision to grant planning permission for the two schools at the Popes Field site at Weaving. The planning application had been fiercely opposed by the councils and residents of both Boxley and Bearsted parishes but their concerns about the traffic, location and air pollution were not supported by MBC. Once MBC decided to permit development the only option open to the parish councils was to challenge it through the courts via a Judicial Review and even if that was won all that would happen was that MBC would be forced to hold the meeting again and it could come to the same decision. To win a Judicial Review the parish council would have to prove that MBC did not follow the correct policy and procedures leading up to and during the meeting and whilst councillors and residents did not like the way the meeting was held, against the recommendation of the Legal Officer, this in itself was not illegal. If a Judicial Review was granted the judge would approach the Borough Council's Legal Department and its Monitoring Officer for their views and so rather than go to the cost of a review the Chairman of Boxley and Bearsted Parish Councils, Bob Hinder and Michael Bollom, wrote to Alison Broom Chief Executive of MBC with the questions that they felt needed answering, a copy of the response is available on the Boxley Parish Council website.

Taking into consideration that even if MBC had refused planning permission then the applicant would have appealed to the Secretary of State, who members had no doubt would have granted permission, it was decided that no further action would be taken to challenge the planning decisions. Chairman Bob Hinder said "unfortunately we are of the opinion that no matter how much money you throw at challenging this decision it is never going to be reversed. Such is the Secretary of State's wish to have more schools being provided that the Planning Inspector's decision on the STEM school was reviewed by the Secretary of State to ensure the development was allowed."

Work on the school site will start in mid-July and at the same time the roundabout for the STEM school is being put in place on New Cut Road, requiring the closure of Grovewood Drive South. Cllr Hinder added "I can't blame anyone in Grove Green and Weaving for feeling angry and let down by the planning system. Popes Field is not the right location for the schools, the massive

residential development is not at Grove Green or Bearsted it is much further away and everyone with an ounce of common sense can see that it is where houses are being built that schools should be provided. Developers should be forced to provide a school where it is actually needed and where students can walk to school rather than somewhere miles away.

Maidstone Borough Council response to questions raised by Chairmen

Dear Mr Hinder

Your letter dated 8 May has been referred to me. As required, outlined below are the responses to the questions raised.

1) Is there MBC policy/procedure/guidance on the Chairman's role or the standard required whilst chairing a meeting?

The powers and duties of the Chairman of a committee of the Council are outlined under paragraph 1.10 of the Council's Constitution.

The Code of Conduct for Councillors (Part 4 of the Constitution) is also relevant to the standard required whilst conducting the role of the Chairman of the Planning Committee; and generally in any action taken as a Councillor.

The powers and duties of the Chairman of the Planning Committee include:

- Responsibility for the proper conduct of meetings;
- A power to exercise a second (casting) vote in the event of an equality of votes on any matter;
- A duty to sign the minutes of the previous meeting;
- A power to agree to the addition of a late item of business to the agenda if s/he believes that it needs to be considered as a matter of urgency;
- To respond to questions or comments raised by Councillors at the Council meeting relating to decisions of the Committee; and

- To respond to questions raised by members of the public at Council and Committee meetings.”

2) Would a Legal Officer, present at any meeting, stop the discussion/decision if MBC policy/procedure were being breached?

The legal officer in attendance at the Planning Committee can provide guidance to the Planning Committee, the Chair and Officers regarding adherence to procedural requirements. Having considered the minutes, the legal officer had no cause to provide such guidance when these applications were considered.

3) What discussions on the order that the applications should be taken on the agenda took place prior to the agenda being agreed?

The Head of Planning and Development recommended the order of the agenda in relation to the Planning Committee on 25 April 2019. Generally, under the Council’s Constitution, the Chief Executive and Head of Planning and Development have delegated power to undertake planning functions unless otherwise specified in the Constitution – Part 2.2.7. These officers therefore make arrangements regarding arranging the agenda.

4) Who has the final say in the order that items appear on the agenda?

The Head of Planning and Development (or an Officer from Planning Service) would normally agree this with the Chair and Vice Chair. This was the case for these applications.

The order of the agenda may be changed for expediency eg to consider applications earlier where members of the public are in attendance and to avoid delaying them.

5) Was any form of legal advice sought or given on what should be the order of the planning application on the agenda?

No.

6) If legal advice was not sought, was the order decision solely that of the Chairman or was a recommendation made by the planning department?

Please note the response to question 4.

7) Why was the Legal Officer’s recommendation to delay the decision making process on these two planning applications, given so late?

The Monitoring Officer provided general guidance relating to pre-election publicity in March 2019 ahead of the May Council Elections. The Government’s code of Recommended Practice on Local Authority Publicity provides that: “During the period between the notice of an election and the election itself, local authorities should not publish any publicity on controversial issues or report views or proposals in such a way that identifies them with any individual members or groups of members”.

Planning Service instructed that these applications be included on the agenda for the Planning Committee for the 25 April Planning Committee which happened. Following publication, it came to the Monitoring Officer’s attention that a significant number of

representations had been made regarding the Popesfield application together with lobbying of members to include Planning Committee members.

The Local Planning Authority has an obligation to ensure that consideration of applications is not compromised. In light of the significant interest, lobbying and the controversial nature of the applications, particularly during the pre-election period, the monitoring officer recommended delaying consideration of the applications until after the May local election.

The Monitoring Officer also provided guidance to the Head of Planning and Development, relevant planning officers and the Chair of Planning Committee that in the event that the Planning Committee decides to consider the application (having considered the recommendation of the monitoring officer), the Planning Committee had an obligation to ensure that the application be considered taking into account the requirements of the Development Plan and other material considerations.

Whilst the Head of Planning and Development recommended that the applications be delayed until after the election, the Planning Committee members elected to proceed to determine the application taking into account guidance provided to the Committee and representations made by objectors and those in support. I am informed by Officers in attendance to include the legal officer, that the Planning Committee considered the application appropriately in line with the Council's procedures and statutory requirements. I have also reviewed the Minutes of the meeting.

I hope that the above clarifies the matters raised. However, please contact me should further information be required.