

**MINUTES OF A MEETING OF EAST MALLING AND LARKFIELD PARISH COUNCIL  
HELD ON WEDNESDAY, 6<sup>TH</sup> JANUARY 2021 AT LARKFIELD VILLAGE HALL AT  
7.30P.M.**

**PRESENT:** Cllrs. D. Thornewell (Chairman), Mrs. L. Cook, P. Leale, J. Luque, R. Mitchell, R. Moore and Mrs. J. Sharpe

**APOLOGIES FOR ABSENCE:** Cllrs. T. Bishop, Mrs. L. Hogben, S. Millson, Mrs. M. Moore and Mrs. M. Tatton  
Cnty. Cllr. Mrs. Trudy Dean

**APPROVAL AND SIGNING OF MINUTES AND APPENDICES OF THE PARISH  
COUNCIL MEETING HELD ON WEDNESDAY, 9<sup>TH</sup> DECEMBER 2020**

It was **RESOLVED** that the Minutes and Appendices of the Meeting held on Wednesday, 9<sup>th</sup> December 2020 be **APPROVED AND SIGNED** by the Chairman.

**MATTERS ARISING**

The Chairman reported that the matting has now been removed from Larkfield Playing Field by South East Water where they have been setting about the monitoring equipment.

**PLANNING AND DEVELOPMENT**

(i) **Ratification of Planning Comments Submitted**

The list of Planning Comments submitted to the Borough Council and circulated was **RATIFIED**.

The Chairman drew attention to the comments made on the new application in respect of the Pinewood Depot Site at Winterfield Lane.

(ii) **List of Decision Notices Received since 9<sup>th</sup> December 2020**

The list of Decision Notices issued by the Borough Council had been **CIRCULATED** along with additional list circulated at this meeting were **NOTED**.

(iii) **Draft Local Plan Update** – Second letter received

The second letter sent to the Borough Council in respect of the Local Plan had been circulated to Members and to date nothing further had been received and the Borough Council have not yet responded to the letter.

One of the main issues is that the Borough Council failed in their duty to co-operate with surrounding Borough Councils namely Sevenoaks and Tunbridge Wells.

The account from Buxton's Solicitors has been received for the work carried out on the Local Plan for the sum of £13,406.88 inc. VAT, reimbursement will be sought from West Malling and Leybourne Parish Councils for one third each of the account before VAT.

(iv) **Forty Acres Public Inquiry Update**

The result of the Public Inquiry in respect of Forty Acres has not yet been received but it is likely to be towards the end of January.

The Crowd Justice funding has reached £10,225.

**RATIFICATION OF PAYMENTS SINCE LAST MEETING INCLUDING DIRECT DEBITS**

The lists of Accounts paid out of Meeting and Direct Debits had been **CIRCULATED**, this action was **RATIFIED**.

The Chairman reported that it had been necessary to carry out some emergency tree works at South Ward Playing Field on a Sunday 27<sup>th</sup> December as a branch was overhanging Mill Street with the risk of falling, this followed strong winds. The cost of the work by Day Tree Fellers was £600 inc. VAT. This action was **RATIFIED**.

The Bank Balance as at 31<sup>st</sup> December 2020 was £225,401.52.

**DRAFT BUDGET AND PRECEPT FOR 2021/2022**

The Chairman moved that the Draft Budget, as circulated, be amended to add £10,000 to the Amenities Committee Budget to allow the Parish Council to take over responsibility for the public toilets in Martin Square including the bench and cycle rack on the land.

This be on the basis that the Borough Council meets it's previous commitments including bringing the toilets up to scratch before handover, consideration of the legal transfer documents and the Borough Council making a one-off payment to us of £9,000 as per their letter of 30<sup>th</sup> September 2020. This sum when received be earmarked to cover our legal costs and the balance maintained.

The Chairman reported that he had emailed Tracey Crouch, MP asking whether the Business Rates on public conveniences is to continue and apparently they will be stopped from April 2021.

A list of repairs had been received which was **NOTED**.

The Borough Council have said that the toilets are insured for £152,000, the Clerk was asked to obtain a quotation from the Parish Council Insurers.

The Chairman and Cllr. Mitchell will visit the toilets again to determine any further repairs it is considered need dealing with before any handover.

The Chairman commented on the Draft Budget and said that £20,000 has been included to go to General Fund Reserve. The income from the Village Halls for 2021/2022 cannot be determined in view of the pandemic. After the amendment to the Precept it will total £399,396.00 resulting in a Parish Rate of £79.96.

The Chairman moved that the Budget, as prepared, after amendment be **ADOPTED** as the Precept for the Council for 2021/2022. **CARRIED UNANIMOUSLY**.

## **CHAIRMAN'S REPORT**

The Chairman reported as follows:-

This report is to up-date members on what has happened since the last meeting.

### **1. SE Water Borehole at Larkfield Playing Field.**

The work in sinking the borehole in the corner of the playing field by New Hythe Lane and A20 has been completed with it all being capped off with a small inspection cover. Re-instatement they inform me is due on 4<sup>th</sup> and 5<sup>th</sup> January. I asked Libby, who I have kept in touch with and she tells me the depth of the hole is 48metres. I also understand the similar borehole at Well Head House has been completed.

### **2. Approach from Aylesford Parish Council.**

Just prior to Christmas we had an approach from the Aylesford Parish Clerk saying following on from the work and meetings over Aylesford Newsprint between ourselves and Ditton and them they would like to build on this given the ever-increasing housing demands at this end of the Borough. They were also proposing the possibility of parish polls across all three areas to “protect our parishes from any new housing development”. We have replied supporting the idea of greater working together but raising concerns about the concept of parish polls.

It is possible to organize such polls at parish level but they would be run by the Borough elections staff like any election and we would have to pay the costs. I estimate for this Parish such a poll would be around £10,000 and there is no provision in the draft budget. There is however, £20,000 as a provision for ongoing legal fees. The problem with parish polls is they are advisory only and during the consideration of a planning application or more importantly a planning appeal or examination in public they would only be taken into account as decisions by law have to be taken on the planning law, policies, and merits.

I think that the better approach is to continue to meet where appropriate developers with a view to influencing their plans, lobbying the Borough and County Council including their members, also MPs; and where it is appropriate and affordable seeking legal representation and other professional help.

I feel that we should welcome the idea of closer working across the three parishes on major planning proposals as we have been doing also recently with West Malling and Leybourne BUT we do not endorse the idea of parish polls for the reasons above. I also think that as it is the Medway Gap which faces the challenge of even more increased pressure for development that where appropriate we should try to involve Burham and Wouldham.

MEMBERS are asked to endorse this general approach please.

### **3 Local Plan Update.**

As circulated the promised second letter dated the 15<sup>th</sup> December was received from the Planning Inspectorate and this in effect proposes the current plan either be withdrawn by the Borough or the Planning Inspectorate reject it. We have been in touch with our own legal advisors on this including the knock-on effect to the Forty Acres Appeal. The Planning Inspectorate is not intending there should be any response from other parties involved in

the local plan process except the Borough Council. I understand the borough do intend to respond to the letter but are currently taking legal advice. I will give any up-date to the the council meeting. In the meantime we have agreed the legal fees for the work so far done on the local plan and the bill is awaited from our solicitors including counsels fee

4. **Urgent Tree Work at East Malling Playing Field**

Roger Roud received a resident's complaint that following the high winds a tree branch was overhanging Mill Street. It was too high for our staff to reach and in view of its potential danger we contacted the local Tree Fellas who carried out the work on the same day including involving the police to close the road. It was a relief the work could be carried out the same day as the report and on an urgent basis the agreed cost was £500 plus Vat. Members are asked to endorse the action.

5. **Footpath 120, Forty Acres.**

A Leybourne Parish Councillor has reported a tree down across this path and we have reported to KCC Footpaths section.

6 **Martin Square Public Toilets.**

We received an estimate from SHS Hygiene for £380 + VAT per calendar month to carry out general daily cleansing of the toilets on the basis that other nearby parishes would also continue to be using the existing contractor on the same basis as the existing contract with the borough council. Given that Snodland have now decided not to take over their toilets and the West Malling decision is uncertain we have have asked and await a quote for just doing Martin Square toilets. This awaited. We also await outstanding information from the borough council as to the result of heir October survey of the toilets and what work is intended to bring them up to scratch which was part of the agreement proposed to take over the toilets by the parishes concerned. And now what is going to be their position if not all the toilets are taken over by each parish which had been the position reached. It seems unlikely that the information will be provided by next Wednesday but members will be updated . The answer so far as our budget is concerned is to add in a provision for toilets under the Amenities Committee so there is provision in the budget but the final decision on taking over the toilets can be taken when it is all much clearer. The Borough has agreed to make a payment of £9000 to cover legal fees to each parish though I do not expect to incur anything like that and I anticipate any balance left would be put aside for ongoing maintenance. I should also record we did alert our solicitors to the potential for them to be instructed to deal with the conveyancing but we have not taken this further in the circumstances at present.

7. **Flooding at Lunsford Lane.**

There has been flooding at the northern end of Lunsford Lane associated with the stream running by the side of the lane and then through the country park to Snodland. KCC, the borough council as riparian owner and the Environment Agency all are involved. We await what action is proposed to prevent ongoing problems.

The Chairman commented on the item about Aylesford Parish Council and has agreed to meetings with the Parishes but is reluctant to agree to a Parish Poll. The Members present **AGREED** to this approach.

## **REPORT BY BOROUGH AND COUNTY COUNCILLORS**

Cllr. Trudy Dean's report had been circulated, as follows:-

### 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 with regard to the Duty to Cooperate. The Inspectors have indicated that unless TMBC can produce evidence that they fulfilled their duty to cooperate positively with Sevenoaks, TMBC must withdraw the draft Local Plan, or the Inspectors will refuse approval for it. This would leave the Malling Parishes virtually without protection against any planning application for housing until a new Plan is approved as we do not have the protection of the Green Belt, and there is no Five Year Land Supply . A new Plan could take two years to prepare.

The Duty to Cooperate is due to disappear from the Local Plan Process under the new Planning White Paper Proposals. It would seem particularly harsh if our parishes were to see large areas of countryside lost as a result of a policy which is potentially about to be abolished.

I have therefore written to Tom Tugendhat and Tracey Crouch asking them to intervene with the Secretary of State asking him to pause the Local Plan process either until the Duty to Cooperate is clarified, or TMBC and Sevenoaks are able to resolve the housing figures between them.

This would give TMBC the opportunity to prepare a robust five year land supply which would give us a degree of protection.

The letter was prepared on behalf of West Malling Parish Council, and Tracey asked if I could share it with Aylesford and Ditton Parish Councils to gain their support which I have done.

Aylesford Parish Council have responded to say their members are in support of the letter.

I have copied the text of the letter at the foot of this report.

### **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 has now put all schools into lockdown until February half term. Children who are vulnerable or have key worker parents can continue to attend school at school.

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. In some areas school staff have infection rates four times that of their surrounding communities.

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.

In the meantime Government must ensure that the many children who still have no access to computers and internet do receive them, to enable all children to progress with online learning whether they are at home or school.

### **Covid and Larkfield Library.**

I heard on Wednesday that a Covid testing centre will open at Larkfield Library on Thursday 7th Jan. from 9am till 7pm every day. 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.

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 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.

Covid Cases have risen very sharply indeed in Kent immediately after Christmas Day and are showing no signs of falling in TMBC. Maidstone and Tunbridge Wells Trust Report they are dealing with three times the cases experienced during the peak of the first wave and in one single 24 hour period last week they admitted 35 COvid. patients. If demand continues to rise, the Trust says difficult decisions regarding ceasing treatments to some conditions and revising cancer treatments may need to be taken.

Vaccinations continue to be by invitation only from GP surgeries, and in this area they are being carried out for all GP Practices locally at Leybourne Village Hall. It is hoped that all over 80s, key workers and specially vulnerable people will receive vaccination by the end of the month, and all over 70s by mid March.

### **Cross Channel Traffic.**

Despite emergency arrangements to cover Brexit, the closure of the French border due to virus B 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.

Evidence of a negative test taken within 72 hours is required by all people travelling to France probably until Jan 8th at least. Many tourists are being turned away because they do not have this.

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)

### **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](http://orlo.uk/L0wKw)

### **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. I have reserved the outstanding balance to pay for the 20 mph limit, if approved, in Larkfield.

### **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.

### **Motorway Radar system to detect stranded vehicles.**

Highways England are planning to carry out overnight upgrades to motorway detection of stopped vehicles. Every motorway where the hard shoulder has been converted to a permanent running lane will have new radar technology by March 2023. The upgrades will help spot stranded vehicles more quickly, helping to provide earlier warnings to drivers on approach, and getting assistance to customers faster. HE say "It will reduce the overall length of time that people are stuck in a live lane for, and the potential for secondary incidents in queuing traffic.

From 4 January 2021 until the end of March, we will begin installing this technology at the side of the road on the M20 in Kent between junction 3, at the M26 merge near West Malling and junction 5 for Aylesford.”

**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 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 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.*

*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.*

*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.*

*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 robust Five Year Land Supply, that delivers housing in the right place.*

*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.*

*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.*

*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.*

*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.*

*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.*

*With best wishes for what is already proving a challenging year.*

The Chairman asked that an email be sent to Tracey Crouch MP, similar to that sent by Cllr. Mrs. Dean seeking that the Local Plan be paused and not withdrawn or thrown out. This was **AGREED**.

**DATE OF NEXT MEETING:** Wednesday, 3<sup>rd</sup> February 2021

### **CLOSURE**

The Chairman declared the Meeting closed at 8.25p.m.

Chairman  
3<sup>rd</sup> February 2021