

TUNBRIDGE WELLS BOROUGH COUNCIL

PLANNING AND TRANSPORTATION CABINET ADVISORY BOARD

MINUTES of the meeting held at the Council Chamber, Town Hall, Royal Tunbridge Wells, TN1 1RS, at 6.30 pm on Monday, 4 September 2023

Present:

Councillors McMillan (Vice-Chair), Barrington-King, Brice, O'Connell, Opara, Pope, Roberts and Wormington

Officers in Attendance: Carlos Hone (Head of Planning), David Scully (Landscape and Biodiversity Officer) and Caroline Britt (Senior Democratic Services Officer)

Other Members in Attendance: Councillor Osborne

APOLOGIES

PT11/23 Apologies were received from Councillors, Barrass, Pound and Rogers.

DECLARATIONS OF INTERESTS

PT12/23 It was noted that Councillor Barrington King, through the Kent County Council Members Grant, had supported the Kent High Weald Partnership with funding at a couple of sites.

It was further noted that Councillor Barrington King did not partake in any discussion related to the Service Level Agreement (SLA) with KCC.

NOTIFICATION OF PERSONS REGISTERED TO SPEAK

PT13/23 There were no visiting persons registered to speak.

MINUTES OF THE MEETING DATED 10 JULY 2023

PT14/23 No amendments were proposed.

RESOLVED - That the minutes of the meeting dated 10 July 2023 be approved as a correct record.

FORWARD PLAN AS AT 14 AUGUST 2023

PT15/23 Members considered the Forward Plan.

Items on the Forward Plan were those that required a Cabinet decision. The timing of when items appeared were therefore a matter for Cabinet. In respect of a particular issue, such as John Street car park, it would be for Cabinet to liaise with the relevant officers as to when it was appropriate for it to be included on the Forward Plan.

RESOLVED – That the Forward Plan as at 14 August 2023 be noted.

BIODIVERSITY ACTION PLAN AND BIODIVERSITY NET GAIN

PT16/23 David Scully, Landscape and Biodiversity Officer introduced the report set out in the agenda.

It was noted that the recommendations had been slightly updated since the agenda had been published. Details of those amendments were given to Members, both verbally and in hard copy and would be reflected in the report that went forward to Cabinet.

Discussion and questions from Members included the following:

- Any land could be put forward for Bio Diversity net gains, including the Commons Conservators.
- It was quite a costly exercise as any land owner would first need to establish what the existing Bio Diversity units were. Once this was known, the land owner would then have to work out how to achieve the uplift in Biodiversity.
- TWBC were able to undertake this work for Council owned Woodland as there was confidence there were some easy gains to be made. The Council was then able to draft the s106 agreement accordingly.
- There was a risk associated with land owners putting themselves forward as TWBC could not prescribe where developers got their Biodiversity gains from.
- The money collected so far for Biodiversity gains (approx. £50k), must be spent in accordance with the s106 agreement. Further money was expected, but even if all the money was collected, it would only give the Council approximately £6k a year to maintain the Biodiversity net gain over the next 30 years.
- It was difficult to get the uplift in Biodiversity in some of the Borough's parks where there was pressure on amenities.
- The work undertaken must also be genuinely additional and not already occurring.
- The report was not about the future management or ownership of the Woodlands. The Woodlands were reviewed in 2016 as part of the asset disposal programme. Members at the time decided to retain the Woodlands. The 2019 report to Cabinet was specifically about this Woodland and associated s106 agreements. It was further noted that if the Council did not use the s106 money for this purpose, it would have to be returned to the developer.
- The Woodlands were important to the local community, providing amenities, as a local wildlife site, and as part of a much more strategic group of woodlands that provided eco system services across a large part of the Borough.
- The Council had worked with the Commons Conservators, and had provided advice on Biodiversity. They had also recently received s106 funding of about £50k.
- Biodiversity net gain projects, help with the important delivering of housing, including affordable housing..
- It was noted there would be a change in the report. It currently stated that TWBC would give £15k to KCC. The figures were not yet known so the figure would be removed from the report going forward to Cabinet but the principle would be retained.
- TWBC currently does not have the capacity to undertake this work and would have to consider employing an additional specialised member of staff if the Council decided to carry it out in house.
- Also, out of all the authorities in Kent, only TWBC and Dover did not use the services of KCC. Going forward, with the mandatory Biodiversity net gain, there would be additional controls and requirements which would need a different level of survey skills.

- There would be a lot of benefit in having a joined up service as it would give consistency and clarity across the county.
- The relationship between KCC and TWBC had yet to be worked out, including whether all the funding would be needed, or just a proportion. Once further information on what was needed and details of the legislation were known, negotiations on the SLA with KCC could take place. Members would have the opportunity to comment on the content of the SLA when it was reviewed.
- The SLA could include a review clause and it would be in the interest of TWBC to review after 12 months to see how things were going.
- The draft SLA included a clause for KCC Ecologists to undertake training. This might result in TWBC being able to undertake more of this work in house.
- The price of the units could be set at different levels in order to attract developers. At the moment it was likely to be somewhere between £20-25k per unit. But this figure needed to be tested.
- Officers had spoken to a number of other authorities who already used KCC services and had received very positive feedback.
- Using KCC would be better than using a commercial company as there would be too much of a conflict of interest. Additionally, because of the uncertainty of funding, the Council may not be able to commit long term which would make it unattractive to a commercial company.
- It was noted there was concern that KCC might be spreading itself too thin and might not be able to deliver the service TWBC needed. Officers confirmed that much of the work would still be undertaken in house. KCC would be asked to do a specific technical exercise of reviewing the planning application, a function they already undertook for other elements of the planning process.
- As from November 2023, any land owner could register their land for Biodiversity net gain. Land owners would then have to provide all of the details of the surveys and metric calculations of the base line units of what they already had. They would then provide details of what gain units they would be offering and at what price.
- Provided the land owner was registered in the Government scheme, the developer could use the credits, provided it could be shown they were secured through a legal agreement to deliver the planning development.
- If there was no other option available for offsetting within the Borough, a developer could buy a Government credit. However, the Government units were set at a very high price to discourage this.
- To date, the Council had been providing the opportunities for offsetting. But going forward, developers would be able to choose which site to use as long as it was included as part of the Government's registered scheme.
- Within the metric there was inducements to use local sites and habitats/sites within an agreed strategy. Developers would be penalised if they chose to go outside the Borough or approved strategy and further away.
- All schemes must be registered with Government and secured by a legal agreement.
- There was also some trading rules within the Metric so that a high quality habitat couldn't be replaced with a low level habitat.
- It was still unknown as to how many developers would be able to meet the standards to get onto the Government scheme.
- Being able to use KCC Ecology would give TWBC access to a much

- wider range of expertise.
- Training would be extended to officers and Members, including at Town and Parish level.
 - There were no plans to reduce access on any of the sites used. Issues at particular sites would be dealt with by the Council to ensure they continued to be maintained.
 - The Council was negotiating a license for mountain biking on one site. This should allow the activity to be self-policing and allow the Council to step in should there be any misuse.
 - Members thanked officers for a very comprehensive report.
 - The 12 month review of the SLA was welcomed.
 - There was concern raised about KCC being able to deliver the service and a 12 month review should be a mandatory requirement.
 - The SLA should also have a minimum of 2 periods of education/training.
 - Key to this was to ensure the SLA was very tight so that KCC could be held to account should they fail to deliver on any of the services required.
 - It was recognised there was a level of uncertainty at the moment, but given KCC were going to cover all districts then the likelihood was the team would grow.
 - The recommendations to Cabinet should make it clear that the SLA should include a minimum review of 12 months with a requirement of a minimum of 2 training days within the year.
 - Officers confirmed the amendments to the recommendations could be accommodated and the report amended accordingly.
 - Training would be funded through the additional grant funding from Government for the purpose of Bio Diversity and net gain.
 - Details of what would be included in the SLA would be undertaken by officers, in consultation with the Cabinet Member for Planning and Housing. It was therefore not necessary to be prescriptive at this time as to the number of training days required. This could be picked up at a later date.
 - Members agreed that the recommendations should be amended to include a provision for a review of the SLA after 12 months and a minimum of 2 training/education days. Officers confirmed these would be included in the recommendations to Cabinet.

RESOLVED – That the recommendations (as amended) to Cabinet set out in the report be supported.

KENT HIGH WEALD PARTNERSHIP SERVICE LEVEL AGREEMENT 2024-2027

PT17/23 David Scully, Landscape and Biodiversity Officer introduced the report set out in the agenda.

Discussion and questions from Members included the following:

- The work of the Kent High Weald partnership was very valuable and should be supported.
- The funds being offered was very good value for money.
- The work of the volunteers was a very important. They managed about 120 events a year and the ability to volunteer was open to all. There was no requirement to make a commitment, you could just turn up and offer to help.

RESOLVED – That the recommendations to Cabinet set out in the report be supported.

URGENT BUSINESS

PT18/23 There was no urgent business.

DATE OF THE NEXT MEETING

PT19/23 The next meeting is scheduled for Monday 9 October 2023 at 6:30pm.

NOTE: The meeting concluded at 8.15 pm.