

# TONBRIDGE & MALLING BOROUGH COUNCIL



## EXECUTIVE SERVICES

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### Chief Executive

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**NB - This agenda contains proposals, recommendations and options. These do not represent Council policy or decisions until they have received proper consideration through the full decision making process.**

Contact: Committee Services  
committee.services@tmbc.gov.uk

25 February 2019

To: MEMBERS OF THE PLANNING AND TRANSPORTATION ADVISORY BOARD  
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Planning and Transportation Advisory Board to be held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Tuesday, 5th March, 2019 commencing at 7.30 pm

Yours faithfully

JULIE BEILBY

Chief Executive

## A G E N D A

### PART 1 - PUBLIC

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| 1. | Apologies for absence    | 5 - 6  |
| 2. | Declarations of interest | 7 - 8  |
| 3. | Minutes                  | 9 - 12 |

To confirm as a correct record the Notes of the meeting of the Planning and Transportation Advisory Board held on 13 November 2018

## **Matters for Recommendation to the Cabinet**

4. Update on the Kent Downs Area of Outstanding Natural Beauty Management Plan and the Adoption of the High Weald Management Plan 13 - 16

*This report briefly provides an update on the review of the Kent Downs Area of Outstanding Natural Beauty (AONB) and High Weald AONB Management Plans and recommends the adoption of the High Weald AONB Management Plan.*

5. Kent Minerals and Waste Local Plan 2013-2020 and the Draft Minerals Site Plan - Response to Consultation 17 - 30

*This report briefs Members on the Kent Minerals and Waste Local Plan 2013 – 2020 and the Draft Minerals Site Plan consultations and recommends an officer-level response for endorsement.*

6. Transportation Update 31 - 36

*This report provides an overview of a Department for Transport (DfT) consultation, relating to the introduction of smart ticketing on the rail network in the wider South East, with specific reference to the South Eastern route and stations in the borough.*

7. Local Plan Update 37 - 40

*This report updates Members in respect of the Local Plan submission to the Secretary of State in January and preparing for the Examination.*

8. Urgent Items 41 - 42

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive

## **Matters for consideration in Private**

9. Exclusion of Press and Public 43 - 44

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

## **PART 2 - PRIVATE**

10. Urgent Items 45 - 46

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

## **MEMBERSHIP**

Cllr D A S Davis (Chairman)  
Cllr J L Botten (Vice-Chairman)

Cllr M A C Balfour  
Cllr Mrs S M Barker  
Cllr P F Bolt  
Cllr V M C Branson  
Cllr M O Davis  
Cllr T Edmondston-Low  
Cllr D Keers

Cllr Mrs F A Kemp  
Cllr R D Lancaster  
Cllr M Parry-Waller  
Cllr S C Perry  
Cllr R V Roud  
Cllr A K Sullivan  
Cllr M Taylor

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Apologies for absence

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Declarations of interest

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## TONBRIDGE AND MALLING BOROUGH COUNCIL

### PLANNING AND TRANSPORTATION ADVISORY BOARD

Tuesday, 13th November, 2018

**Present:** Cllr D A S Davis (Chairman), Cllr J L Botten (Vice-Chairman), Cllr M A C Balfour, Cllr P F Bolt, Cllr M O Davis, Cllr Mrs F A Kemp, Cllr R D Lancaster, Cllr M Parry-Waller, Cllr S C Perry and Cllr M Taylor

Councillors Mrs J A Anderson, O C Baldock, R P Betts, M A Coffin, D J Cure, N J Heslop, B J Luker, M R Rhodes and H S Rogers were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors Mrs S M Barker, V M C Branson, D Keers, R V Roud and A K Sullivan

#### **PE 18/15 DECLARATIONS OF INTEREST**

Councillor M Davis declared an Other Significant Interest in the agenda item relating to the Local Plan on the grounds of his status as a partner of Warner's Solicitors. In accordance with the dispensation granted at Minute GP 16/19 (General Purposes Committee of 20 October 2016) he remained in the meeting and addressed the Advisory Board but took no further part in the discussion.

#### **PE 18/16 MINUTES**

**RESOLVED:** That the notes of the meeting of the Planning and Transportation Advisory Board held on 24 July 2018 be approved as a correct record and signed by the Chairman.

[Note: After the meeting an issue was identified in relation to the voting on the recommendation in respect of the Local Plan. The matter was addressed in a report to Cabinet on 3 September 2018 (Minute CB 18/49 refers).]

#### **MATTERS FOR RECOMMENDATION TO THE CABINET**

#### **PE 18/17 REVIEW OF THE PLANNING APPLICATION CHARGING REGIME**

The report of the Director of Central Services and Monitoring Officer provided a review of the pre-application charging regime and set out proposed new charges for 2019/20. It was noted that the Pre-Application Protocol had been effective in delivering technical planning advice in a timely way since its introduction in 2016 and no changes were proposed although further monitoring would be carried out to ensure that it remained up to date and met the needs of customers. However, it was considered appropriate to adjust the fees to recover the

full costs of providing advice, including an increase of 3% to the hourly rate, and a revised Charging Schedule was set out at Annex 1 to the report.

**RECOMMENDED:** That the updated Pre-application Charging Schedule 2019/20 set out at Annex 1 to the report be approved with effect from 1 April 2019 subject to the correction of the fee for written advice for medium development to £186.

**\*Referred to Cabinet**

## **PE 18/18 PLANNING ENFORCEMENT PLAN**

The report of the Director of Central Services and Monitoring Officer referred to the review of the adopted planning enforcement plan which provided a structure for the way in which the Planning Service would deal with planning enforcement matters, in particular the various powers available to the Council in remedying breaches of control and how decisions would be taken to exercise such powers.

An updated Planning Enforcement Plan was set out at Annex 1 to the report and a number of changes were highlighted including the expansion of delegated powers in respect of enforcement notices following the review of the Constitution, removal of reference to Area Teams, the way in which the Council would deal with unauthorised Traveller encampments and reflection of recent experience in seeking injunctive relief.

Members expressed concern and frustration at the number of breaches of planning control where it was deemed “not expedient” to take any further action and referred to the avoidance of fees and the opportunity to impose conditions on development if a retrospective application were required to be submitted. The officers agreed to review the scope for amending the criteria for deciding which cases were categorised “not expedient”, given Government guidance and the need to avoid raising false expectations among the public.

**RECOMMENDED:** That the Planning Enforcement Plan, as set out at Annex 1 to the report, be referred to the Cabinet for approval subject to a review of the issues surrounding expediency and consideration of any proposed changes.

**\*Referred to Cabinet**

## **PE 18/19 TRANSPORTATION UPDATE**

Decision Notice D180071MEM

The report of the Director of Central Services and Monitoring Officer provided an update on the current consultation process relating to the

Lower Thames Crossing and Gatwick Airport and highlighted issues for inclusion in the respective responses.

Qualified support was expressed for the Lower Thames Crossing proposals although it was agreed to reiterate concerns regarding the implications for the A228 and A229 and the need for improvements to these routes to be prioritised to meet growing demand.

In respect of the Gatwick Airport consultation, there were significant concerns about any intensification of air traffic over West Kent, including night flights, the management of noise impacts and surface transport connectivity. Regarding the latter, emphasis was placed on continuing to lobby for a direct rail service between Gatwick and Tonbridge via Redhill.

**RECOMMENDED:** That

- (1) the content of the report be noted;
- (2) the issues raised in response to the Lower Thames Crossing consultation be approved for submission to Highways England; and
- (3) the issues raised in response to the Gatwick Master Plan consultation be approved for submission to Gatwick Airport Limited.

### **MATTERS SUBMITTED FOR INFORMATION**

#### **PE 18/20 SECTION 106 MONITORING REPORT**

The report provided an overview of planning obligations for the period 2016 – 2018 under section 106 of the Town and Country Planning Act 1990. It represented the first in a series of regular reports to the Advisory Board on the nature of any obligations secured, received and used. Members welcomed the report and were advised that in future the reports to the Area Planning Committees would set out in more detail the use of any section 106 money where relevant alongside the planning decision to be made.

#### **PE 18/21 LOCAL PLAN UPDATE**

Following the decision of the Council on 12 September 2018, the report gave an update on the Regulation 19 consultation exercise and set out the next stages in the preparation of the Local Plan. Reference was made to the extension of the period for response by one week to 19 November, the briefings and drop-in sessions held and creation of a simplified on-line response form. An outline was given of responses received to date, the majority raising objections to the strategic site at

Borough Green, and the next steps in preparing the documents for submission to the Secretary of State.

**MATTERS FOR CONSIDERATION IN PRIVATE**

**PE 18/22 EXCLUSION OF PRESS AND PUBLIC**

There were no matters considered in private.

The meeting ended at 9.15 pm

## TONBRIDGE & MALLING BOROUGH COUNCIL

### PLANNING and TRANSPORTATION ADVISORY BOARD

05 March 2019

Report of the Director of Planning, Housing and Environmental Health

#### Part 1- Public

#### Matters for Recommendation to Cabinet - Council Decision

#### **1 UPDATE ON THE KENT DOWNS AREA OF OUTSTANDING NATURAL BEAUTY (AONB) MANAGEMENT PLAN AND THE ADOPTION OF THE HIGH WEALD AONB MANAGEMENT PLAN**

**Summary: This report briefly provides an update on the review of the Kent Downs Area of Outstanding Natural Beauty (AONB) and High Weald AONB Management Plans and recommends the adoption of the High Weald AONB Management Plan.**

#### **1.1 Introduction**

1.1.1 Section 89 of the Countryside Rights of Way Act 2000 (CROW Act) places a statutory responsibility on relevant local authorities to produce and regularly review an Area of Outstanding Natural Beauty (AONB) Management Plan which 'formulates their policy for the management of the area and for the carrying out of their functions in relation to it'. They are also obliged to review this Plan every five years. Whilst the Plan is not a planning policy document as such, it will be a material consideration in relation to planning policy and the determination of planning applications.

1.1.2 The Borough contains parts of two AONBs, the Kent Downs in the North and a small part of the High Weald in the South. Management Plans for both AONBs were adopted in 2014. The preparation and review of these plans are undertaken by the Kent Downs AONB Joint Advisory Committee (JAC) and High Weald AONB JAC respectively, acting on behalf of the local authorities with land in the AONBs. The JACs comprise elected Councillors and officers representing individual districts, the AONB Unit, as well as representatives from statutory agencies, land owning, farming and community interest groups.

#### **1.2 Kent Downs AONB Management Plan**

1.2.1 At their meeting on the 18th of May 2017 the Kent Downs AONB JAC agreed to take forward a review of the Kent Downs AONB Management Plan, including a revision of the Landscape Character Assessment of the Kent Downs, public and stakeholder participation and consultation; and a series of expert opinion debates.

- 1.2.2 As part of this work one of the Local Authority partners raised concerns about how the Management Plan should properly relate to land use planning matters and the relevant Acts and guidance. This intervention raised fundamental issues on which the AONB Unit sought advice from Natural England, the Government's statutory advisor on Designated Landscapes, the National Association for Areas of Outstanding Beauty and Defra's Protected Landscapes team.
- 1.2.3 Natural England's official advice has been provided to the relevant Council and the Unit has received no formal response to this.
- 1.2.4 Given the lack of resolution of this important point, which was raised of part of the review, the JAC agreed, at their meeting on the 7th of June 2018, that it was not expedient to amend the plan until the context is clearer. At the same time all Local Authorities agreed that the existing Management Plan (the Kent Downs AONB Management Plan 2014-2019, Second Revision, April 2014) should remain in place unless and until a revised and amended one has been agreed and adopted by all Local Authorities.
- 1.2.5 At its meeting in November 2018 the JAC it was agreed that the review and amendments should ideally be completed by the end of 2019.
- 1.2.6 With this in mind a proposed timetable is set out below:
- January–April 2019 – Agree position with Local Authorities to enable review to recommence. Assuming this is achieved; refresh and review evidence gathered for the review of AONB Management Plan – confirmation of Landscape Character Assessment and prepare stage 1 of the Strategic Environmental Assessment.
  - April–May 2019 – Redraft plan and circulate plan to JAC for consideration at June JAC meeting.
  - June – Joint Advisory Committee meeting (June 13th) considers redrafted AONB Management Plan and advises whether public consultation should take place (12 weeks).
  - August/September 2019 – Consultation responses considered and reflected in second draft Plan circulated to JAC for internal comments.
  - October 2019 – final draft circulated to JAC in advance of November meeting.
  - November 2019 – JAC meeting (date tbc) to advise whether amended Management Plan should go forward for adoption.
  - December 2019 – Local Authority adoption process.

### **1.3 High Weald AONB Management Plan**

- 1.3.1 In March 2017 the High Weald AONB JAC agreed to undertake a review of the Management Plan, in particular to take account of the potential impact of Brexit on agri-environmental policy and the significant increase in development pressure on the AONB since the last review. The new Plan retains the same basic structure, being around AONB purpose, character and key components of natural beauty, and the policy objectives remain broadly similar.
- 1.3.2 A series of technical workshops were held in summer 2017 and public consultation was carried out during June and July 2018. Officer level comments were provided to the JAC during the consultation. At their meeting on the 28 November 2018, the JAC approved the revised Plan and recommended its adoption by the constituent local authorities.

### **1.4 Legal Implications**

- 1.4.1 Under the terms of the Countryside and Rights of Way (CROW) Act 2000 (part IV Section 89), the Borough Council and the other local authorities within the AONBs have a statutory duty to act jointly to prepare and review the Management Plans for both the Kent Downs AONB and the High Weald AONB.

### **1.5 Financial and Value for Money Considerations**

- 1.5.1 Each of the Local Authorities covered by the AONB make a financial contribution towards the core costs of running the AONB Units. This includes the joint preparation and review of the Management Plans. The AONB Units ensure that that all of the relevant Local Authorities work together, so fulfilling their duty under the Act. This mechanism minimises the cost of the process. The Borough Council's contribution towards these costs is covered by existing budgets.

### **1.6 Risk Assessment**

- 1.6.1 Failure to adopt the High Weald AONB Management Plan by 31<sup>st</sup> March 2019 would mean that the Council will be in breach of the requirements of the CROW Act 2000 to review the Management Plan within 5 years. In addition, if this timetable is not met there could be sanctions with regard to funding for the AONB Partnership from Natural England.
- 1.6.2 The Kent Downs AONB Unit have updated Defra on the delay to the Management Plan review and have been informed that 'the prudent thing to do at this stage is to contact Natural England and notify them of the situation, i.e. that you are unable to adopt a complete a review of the existing management plan at this stage - this being the case you are working on the basis that the existing management plan remains in place, until the JAC are able to complete a review. Sending notification to Natural England would count as formal notification (under s90(1)(a) Countryside and Rights of Way Act 2000). Separate notification to the public

would not be required unless the JAC thought this wise from a strategic perspective.

## **1.7 Equality Impact Assessment**

- 1.7.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

## **1.8 Recommendations**

- 1.8.1 That the Board RECOMMENDS to Cabinet that the Council should RESOLVE to adopt the High Weald AONB Management Plan 2019-2024 as a material planning consideration by 31<sup>st</sup> March 2019 and that the Kent Downs AONB Management Plan 2014-2019 should be retained as a material consideration in its current form unless and until a revised and amended one has been agreed and adopted by all Local Authorities.

The Director of Planning, Housing and Environmental Health confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and policy Framework.

Background papers:

High Weald AONB Management Plan 2019-2024

contact: Jenny Knowles  
Senior Planning Officer  
(Policy)

Eleanor Hoyle

Director of Planning, Housing and Environmental Health

## TONBRIDGE & MALLING BOROUGH COUNCIL

### PLANNING and TRANSPORTATION ADVISORY BOARD

05 March 2019

#### Report of the Director of Planning, Housing and Environmental Health

#### Part 1- Public

**Matters for Recommendation to Cabinet - Non-key Decision (Decision may be taken by the Cabinet Member**

#### **1 KENT MINERALS AND WASTE LOCAL PLAN 2013 – 2020 AND THE DRAFT MINERALS SITE PLAN – RESPONSE TO CONSULTATION**

**Summary: Kent County Council (KCC) is carrying out an early partial review of the Kent Minerals and Waste Local Plan 2013 – 2020 and the Draft Minerals Site Plan between Friday 11<sup>th</sup> January and Friday 8<sup>th</sup> March 2019. Both consultations are being carried out under Regulation 19 and provides an opportunity to comment on either document before they are submitted to the Secretary of State for Examination. This report briefs Members on the consultation and recommends an officer-level response for endorsement.**

#### **1.1 Background to Consultation**

- 1.1.1 The Kent Minerals and Waste Local Plan (KMWLP) was adopted by KCC in July 2016 and sets out policies and sites for mineral extraction, importation and recycling as well as waste management. The Kent Minerals and Waste Local Plan (KMWLP) sets out the overarching strategy for the sustainable management of Kent's waste, the delivery of minerals where a need exists and is the primary element of the Development Plan against which planning applications and appeals for minerals and waste development will be determined.
- 1.1.2 The Minerals Site Plans and Waste Site Plans allocate specific locations and sites for minerals and waste development. The Kent Minerals Sites Plan (The Sites Plan) provides the spatial detail for meeting requirements for sharp sand and gravel and for soft sand in accordance with policy CSM2 of the Kent Minerals and Waste Local Plan 2013-30 as stated above. The Sites Plan identifies potential locations for extraction of sharp sand and gravel and of soft sand. Once adopted, the Kent Mineral Sites Plan will replace the currently saved policy CA6 of the Kent Minerals and Waste Local Plan: Construction Aggregates 1993, as well as policy B1 of the Kent Minerals Subject Plan: Brickearth 1986.
- 1.1.3 The version of the KMWLP and Minerals Sites Plan that is currently available for consultation is one that KCC intends to submit for examination later this year. When adopted, the policies and site allocation will replace the existing suite of

saved Kent Minerals and Waste policies and site allocations. It is important that the Council responds to the consultation because the KMWLP and Sites Plan will form part of Tonbridge and Malling Borough Council's Development Plan. This means that the policies and site allocations proposed by KCC may have implications for the Council's planning functions and future decision making and delivery of the Local Plan as a whole.

## 1.2 Consultation Appraisal

- 1.2.1 Local Development Scheme - The Local Development Scheme (LDS) is the project plan for the KMWLP; it sets out the timetable for the production of the documents including the examination and adoption dates. As part of advising on this consultation, it is worthwhile for Members to be aware of the proposed time frames. The latest published version of the LDS (Nov 2017) indicates that the Regulation 19 consultation should have been undertaken between October and November 2018 and both the KMWLP and Minerals Sites Plan Pre submission be submitted to the Inspectorate in January 2019. It further advises that KCC envisage the Examination hearings to take place between April – May 2019 and final adoption by December 2019. On the basis of the present situation, the LDS is therefore currently out-of-date where the Regulation 19 consultation currently ends in March 2019, but is not considered to be significantly behind its proposed schedule.
- 1.2.2 Minerals Site Plan - To begin with when considering minerals extraction, it must be acknowledged that minerals can only be extracted where they naturally occur and that minerals are an important material for the construction industry. The winning of minerals are essential to support sustainable economic growth and our quality of life.
- 1.2.3 The Minerals Sites Plan will identify mineral sites and locations for mineral extraction, processing and importation that reflect the principles and strategy of the Minerals and Waste Local Plan 2013-2030. The Minerals Sites Plan proposes sites for the extraction of soft sand, and sharp sand and gravel. It is considered that these allocations, in conjunction with current permitted reserves and the criteria based approach to the provision of aggregates established in Policy CSM2 of the adopted KMWLP, will provide sufficient minerals during the Minerals Sites Plan period for the identified soft sand requirements and make an effective contribution to the supply of land-won sharp sand and gravel. The supply of locally extracted sand and gravel will be sourced from;
- Existing permitted sites,
  - New sites, including extensions, and
  - Other new sites not identified in the Minerals Sites Plan, deemed as acceptable sustainable mineral development in accordance with Local Planning policy and national planning policy.

1.2.4 KCC state that based on the current data, a sharp sand and gravel requirement of 5.75mt is required over the plan period. Having assessed the sharp sand and gravel sites that were promoted through the 'call for sites' in accordance with planning policy, two sites are allocated to contribute to the steady and adequate supply of sharp sands and gravel, subject to demonstrating at planning application stage compliance with the development management criteria and national and local planning policy:

- Stonecastle Farm quarry extensions, Hadlow (M13). An extension to the existing quarry.
- Land at Moat Farm Five Oak Green (M10). A proposed new quarry.

Both sites are relevant to the Tonbridge and Malling Borough and are discussed below. Historically, sharp sand and gravel deposits have been extracted along Kent's river valleys where both of these sites are within the River Medway valley.

1.2.5 Concerning soft sand, KCC state that based on current data, there is a soft sand requirement of 2.51 mt over the plan period. Having assessed the soft sand sites that were promoted through the 'call for sites' in accordance with planning policy, one site is allocated to contribute to the steady and adequate supply of soft sand, subject to demonstrating at planning application stage compliance with the development management and national and local planning policy:

- Chapel Farm (west) Lenham (M3). A proposed new quarry.

This site is a significant distance from the Tonbridge and Malling Borough and is not considered to impact upon the Borough.

Extensions to Stonecastle Farm Quarry, Hadlow/Whetsted (M13) - Sharp sand and gravel.

1.2.6 This site is within the borough boundary and perhaps, is the most relevant. It is an extension of approximately 28 hectares to the west of an existing quarry. The site is estimated to have a mineral reserve of 1,000,000 tonnes. It is recognised to be within the Green Belt, an area of archaeological interest and ground water vulnerability zone.

1.2.7 When considering the acceptability of the site, the promoted allocation area is considered to make a logical extension to the existing quarry. It is within a rural area, away from main residential areas and the Council's main strategic sites where the delivery of the new Local Plan is not considered to be jeopardised. Access is also considered acceptable being proposed to the south east entirely within Tunbridge Wells Borough at Stone Castle Farm where vehicles would access onto the main A228 highway. If however, in the event that a future planning application proposed an alternative access onto Hartlake Road, this would raise concerns given the predominantly rural nature of the local highway network in this vicinity. This will be stressed in the response back to KCC.

Moat Farm, Five Oak Green Tunbridge Wells (M10) - Sharp Sand and Gravel.

- 1.2.8 The second site allocation for sharp sand and gravel extraction is Moat Farm, Five Oak green which is a new site within the administrative boundary of Tunbridge Wells Borough Council, but very close to the TMBC boundary. The site is estimated to have a natural mineral reserve of 1,500,000 tonnes. Access is also proposed to be onto the A228 at Stone Castle Farm which is an existing access used by quarry vehicles.
- 1.2.9 Being within the Tunbridge Wells boundaries this is clearly less of a direct concern for TMBC. However when considering its acceptability, the site is located directly below the Stone Castle quarry and would form a natural extension to this existing quarry, containing the minerals extraction within one area reducing the impact from smaller, individual sites scattered around west Kent Districts. The site is well away from main residential conurbations as well as main strategic sites proposed within the Local Plan and is not considered would affect the TMBC Local Plan delivery. A suitable access is also proposed onto the A228 which is already used by such quarry vehicles.
- 1.2.10 Cumulative Impact - The proposed Stone Castle extension, the existing Stone Castle quarry and the new Moat Farm quarry would all be adjacent to each other and will form a large area of minerals extraction and it is important to consider potential cumulative impacts. In this regard, the sites are proposed to be worked sequentially to the permitted phases at Stonecastle Farm Quarry and Moat Farm Quarry and not together, which will reduce their impact. However, as a large area of mineral extraction there is likely to be a notable change in the appearance of the landscape as well as an increase in vehicular movements through the villages of Whetsted and Beltring and general noise and dust. This is therefore likely to put additional pressure on the local highway network, mainly the A228 and affect upon residential amenities.
- 1.2.11 Members are advised that other extraction sites previously proposed under Regulation 18 consultation within the Borough have not been put forward for allocation. Of particular interest is the West Malling Sandpit at Ryarsh (Site M8) (soft sand and silica) which attracted a lot of public attention. Following the consultation process, the County Council considered that activities associated with the mineral extraction would not preserve the openness of the Green Belt and so the development was deemed to be inappropriate, and there were no very special circumstances to justify this development within the Green Belt. In terms of making a comparison with the Stonecastle Farm site there is a discernible difference mainly that the sites provide for different minerals. The Ryarsh site provides for soft sand and silica and was a new proposed site which is within the Green belt where the quantity of mineral needed over the plan period can be met by another site not within the greenbelt. The Stonecastle site provides for sharp sand and gravel (a different mineral) and is an extension to an existing site (already within the Green belt) therefore making it more acceptable in planning terms.

1.2.12 The previously proposed site of the Postern Meadows Site Tonbridge (M12) was also not carried forward as a future minerals site allocation due to concerns regarding biodiversity, highways and transportation, landscape, amenity and public rights of way.

### **1.3 Proposed Response**

1.3.1 Officers propose a response based on the fact that, in principle, there are no objections to Stone Castle Farm extension and Moat Farm being identified as sites for minerals extraction. It is recommended that the response to KCC outlines concerns over the cumulative impact and is subject to the developments demonstrating that they are acceptable in terms of the landscape impact, nature conservation, highways implications, the amenities of residents and water resources as well as a suitable restoration plan to protect the countryside thereafter. In this respect, to be acceptable, the developments should strictly comply with the M10 and M13 development management criteria's. The concerns relating to any proposed access onto Hartlake Road should also be noted.

### **1.4 Partial Review of the Kent Minerals and Waste Local Plan**

1.4.1 The County Council is partially reviewing the adopted Kent Minerals and Waste Local Plan 2013-30 (the Plan). The Plan sets out the strategy for the sustainable management of Kent's waste, recycling and extraction of minerals and is the primary element of the development plan against which planning applications and appeals for minerals and waste development in Kent will be determined.

1.4.2 Waste Policies - Modifications are proposed to policies CSW4, CSW5, CSW6, CSW7, CSW8, CSW12 and CSW 14 in the following areas:

- Waste Management
- The strategy for provision of future waste management capacity
- The identification of site allocations for waste management facilities
- The approach to safeguarding mineral resources and waste management and minerals supply.

1.4.3 Background - The adopted Plan identifies a shortfall in capacity of the following types over the Plan period (to 2030) being waste recovery capacity, hazardous waste and disposal of dredgings.

1.4.4 As a consequence, policies CSW7, CSW8, CSW 12 and CSW 14 state that a Waste Sites Plan will be prepared that will identify sites suitable for accommodating facilities needed to address the identified capacity shortfalls. However a review of the future needs for waste management facilities in Kent has been undertaken and this has concluded that there is now no need for the development of this additional capacity. This is for several reasons set out below;

- Energy recovery capacity. Additional capacity has been confirmed at Kemsley Sustainable Energy Plant (SEP) Sittingbourne.
- Hazardous Waste. Due to a lack of additional need.
- Disposal of dredgings. There is no clear need identified.

1.4.5 The review and changes of these policies and supporting text are based on up-to-date data and monitoring where it is considered that there is no longer the need for so much recovery capacity over the plan period where the overall net self-sufficiency regarding waste would still be maintained. The changes relate to a general modernisation of the plan where, for example, a dredging disposal site is no longer needed in regard to policy CSW 14. It is considered that the changes don't present significant land use issues for the borough of Tonbridge and Malling and the delivery of its planning functions where the changes afford greater transparency and flexibility.

## 1.5 Proposed Response

1.5.1 The changes do not present a significant impact upon the land use in TMBC. It is recommended that the changes are accepted and no objection be raised.

1.5.2 Safeguarding Minerals Resources - The last part of the review of the KMWLP concentrates on the Minerals Safeguarding Areas (MSAs) and policies DM7 and DM8 which is perhaps the most relevant to TMBC in terms of the policy changes. The purpose of the MSAs is to ensure that mineral resources are adequately and effectively considered in land-use planning decisions, so that they are not needlessly sterilised, compromising the ability of future generations to meet their own needs. The designated MSAs are illustrated on maps at the back of the KMWLP which are based upon the British Geological Society Data.

1.5.3 Policy DM7 sets out the circumstances when non-minerals development may be acceptable at a location within a Minerals Safeguarding Area. This policy recognises that the aim of safeguarding is to avoid unnecessary sterilisation of resources and encourage prior extraction of the mineral where practicable and viable before non-mineral development occurs.

1.5.4 Policy DM8 relates to the safeguarding of minerals management, transportation, production and waste management facilities (including wharves and rail depots), in order to enable them to continue to be used to produce and transport the minerals needed by society. The policy sets out the circumstances when safeguarding minerals and waste development may be replaced by non waste and mineral uses. This includes ensuring that any replacement facility is at least equivalent to that which it is replacing and it specifies how this should be assessed.

1.5.5 In planning terms it is important to prevent the sterilisation of potentially valuable minerals and supporting infrastructure, where the retention therefore of these policies is critical to sustainable development.

- 1.5.6 Policies DM7 and DM8 are currently worded with set criteria's 1- 7 which the developments are assessed against. They are also worded with 'either', 'or' which essentially means only one criteria needs to be met to demonstrate compliance with the policy. This wording is retained in the changes. However new wording is now introduced which requires development proposals to consider the remainder of the policy and conclude that minerals and resources will not be needlessly sterilised before planning permission can be granted.

The changes to wording are underlined below.

**DM7.**

*"Planning permission will only be granted for non-mineral development that is incompatible with minerals safeguarding where it is demonstrated that either:*

- 1. the mineral is not of economic value or does not exist; or*
- 2. that extraction of the mineral would not be viable or practicable; or*
- 3. the mineral can be extracted satisfactorily, having regard to Policy DM9, prior to the non-minerals development taking place without adversely affecting the viability or deliverability of the non-minerals development; or*
- 4. the incompatible development is of a temporary nature that can be completed and the site returned to a condition that does not prevent mineral extraction within the timescale that the mineral is likely to be needed; or*
- 5. material considerations indicate that the need for the development overrides the presumption for mineral safeguarding such that sterilisation of the mineral can be permitted following the exploration of opportunities for prior extraction; or*
- 6. it constitutes development that is exempt from mineral safeguarding policy, namely householder applications, infill development of a minor nature in existing built up areas, advertisement applications, reserved matters applications, minor extensions and changes of use of buildings, minor works, non-material amendments to current planning permissions; or*
- 7. it constitutes development on a site allocated in the adopted development plan where consideration of the above factors (1-6) concluded that mineral resources will not be needlessly sterilised. Further guidance on the application of this policy is included in a Supplementary Planning Document".*

**DM8.**

*"Planning permission will only be granted for development that is incompatible with safeguarded minerals management, transportation or waste management facilities, where it is demonstrated that either:*

- 1. it constitutes development of the following nature: advertisement applications; reserved matters applications; minor extensions and changes of use and buildings; minor works; and non-material amendments to current planning permissions; or*
- 2. it constitutes development on the site that has been allocated in the adopted development plan where consideration of the other criteria (1, 3-7) can be demonstrated to have taken place in formulation of the plan and allocation of the site which concluded that the safeguarding of minerals management, transportation production and waste management facilities has been fully considered and it was concluded that certain types non-mineral and waste development in those locations would be acceptable; or*
- 3. replacement capacity, of the similar type, is available at a suitable alternative site, which is at least equivalent or better than to that offered by the facility that it is replacing; or*
- 4. it is for a temporary period and will not compromise its potential in the future for minerals transportation; or*
- 5. the facility is not viable or capable of being made viable; or*

6. material considerations indicate that the need for development overrides the presumption for safeguarding; or  
 7. It has been demonstrated that the capacity of the facility to be lost is not required.

*Replacement capacity must be at least equivalent in terms of tonnage, accessibility, location in relation to the market, suitability, availability of land for processing and stockpiling of waste (and materials/residues resulting from waste management processes) and minerals, and:*

- *in the case of wharves, the size of the berth for dredgers, barges or ships*
- *in the case of waste facilities, replacement capacity must be at least at an equivalent level of the waste hierarchy and capacity may be less if the development is at a higher level of the hierarchy.*

*There must also be no existing, planned or proposed developments that could constrain the operation of the replacement site at the required capacity.*

*Planning applications for development within 250m of safeguarded facilities need to demonstrate that impacts, e.g. noise, dust, light and air emissions, that may legitimately arise from the activities taking place at the safeguarded sites would not be experienced to an unacceptable level by occupants of the proposed development and that vehicle access to and from the facility would not be constrained by the development proposed. Further guidance on the application of this policy will be included in a Supplementary Planning Document”.*

- 1.5.7 When considering the implications of these alterations, the changes do make the policies tighter and less open. However the key wording here in the changes is consider/consideration (and not compliance), meaning that the development has to be mindful of the rest of the policy criteria but does not have to strictly comply, which prevents it from being unduly restrictive. On the basis that the policies continue to be worded as ‘either’, ‘or’ means only one criteria needs to be met to demonstrate compliance with the policy, resulting in a negligible constraint upon the Council’s planning functions.
- 1.5.8 Policy DM8 also has been changed to allow for materials/residues resulting from waste management processes which is considered understandable and acceptable which allows the policy to be more applicable to waste matters and has no significant impact upon the TMBC planning functions.

## **1.6 Proposed Response**

- 1.6.1 Safeguarding should not put at risk the deliverability of sustainable growth identified in Local Plans in response to local need. However a balanced needs to be struck between the safeguarding of these minerals and facilities for sustainable development whilst not stifling sustainable growth. It is considered that, on balance, these changes are not significant and would not prevent the delivery of the TMBC Local Plan and therefore are accepted and no objection be raised.
- 1.6.2 It is recommended that in the response to KCC, they are reminded that the ‘either’, ‘or’ wording means only one criteria needs to be met to demonstrate

compliance with the policy. The expectation for developments to comply with the whole policy and each criteria would therefore be unreasonable.

## **1.7 Legal Implications**

1.7.1 The Kent Minerals and Waste Local Plan and Minerals Site Plan once adopted, will form part of the statutory Development Plan for Tonbridge and Malling Borough. This means that the KMWLP and Minerals Sites Plan will have implications for the planning functions of the Council, namely the processing of planning applications.

## **1.8 Financial and Value for Money Considerations**

1.8.1 There are no financial or value for money considerations as part of this consultation.

## **1.9 Risk Assessment**

1.9.1 As set out above, the KMWLP, once adopted, will form part of the statutory Development Plan for Tonbridge and Malling Borough. If the consultation is not considered and a representation is needed, but not made at this stage, there is the risk that the concerns and priorities of this Council and the impacts upon the public will not be relayed to KCC.

## **1.10 Equality Impact Assessment**

1.10.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

## **1.11 Recommendations**

1.11.1 Subject to any comments that the Board wish to make that the proposed responses set out at paragraphs 1.3, 1.5 and 1.6 in this report, form the basis of a formal response to the KCC Regulation 19 consultation that finishes on the 8th March.

The Director of Planning, Housing and Environmental Health confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and policy Framework.

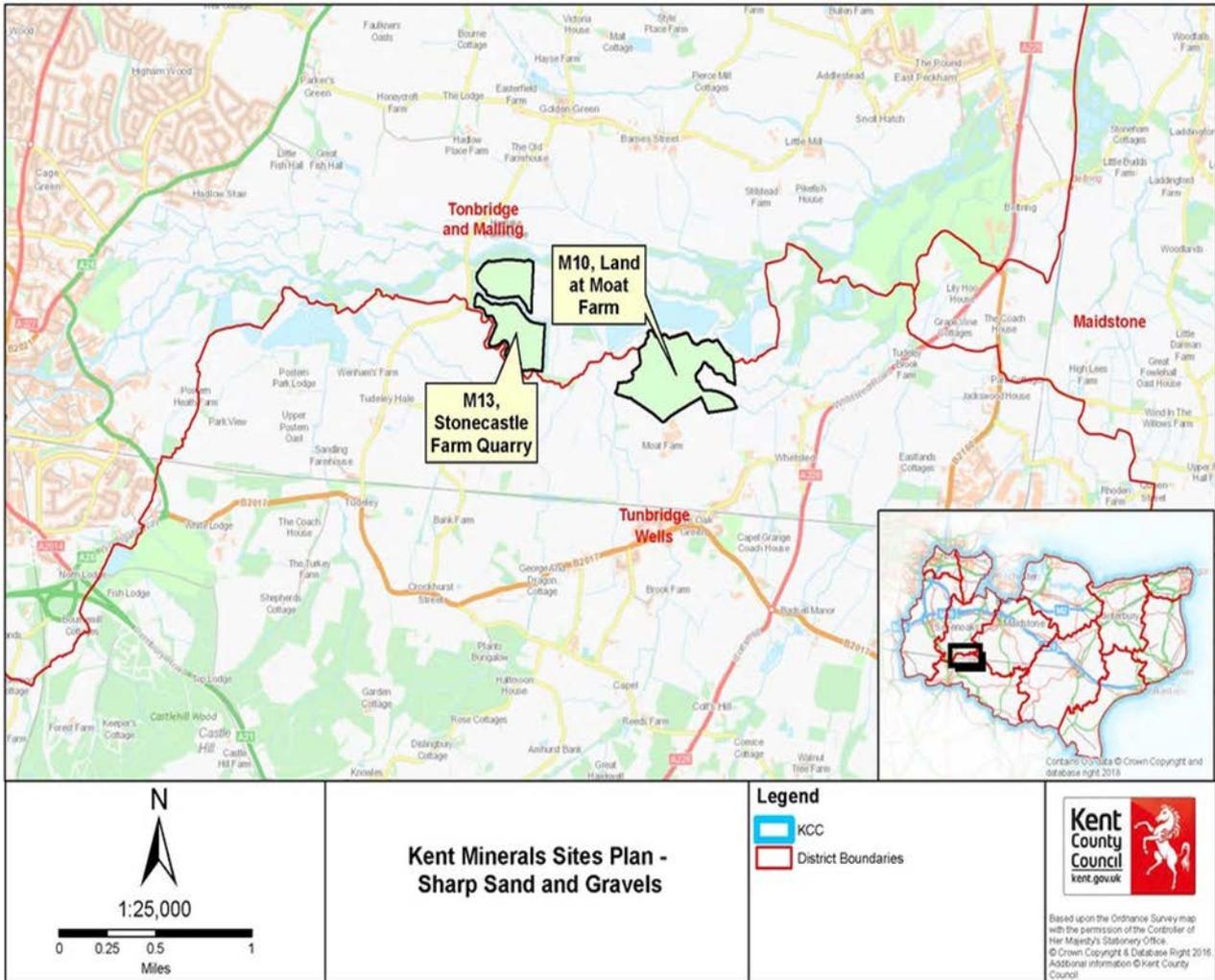
Background papers:

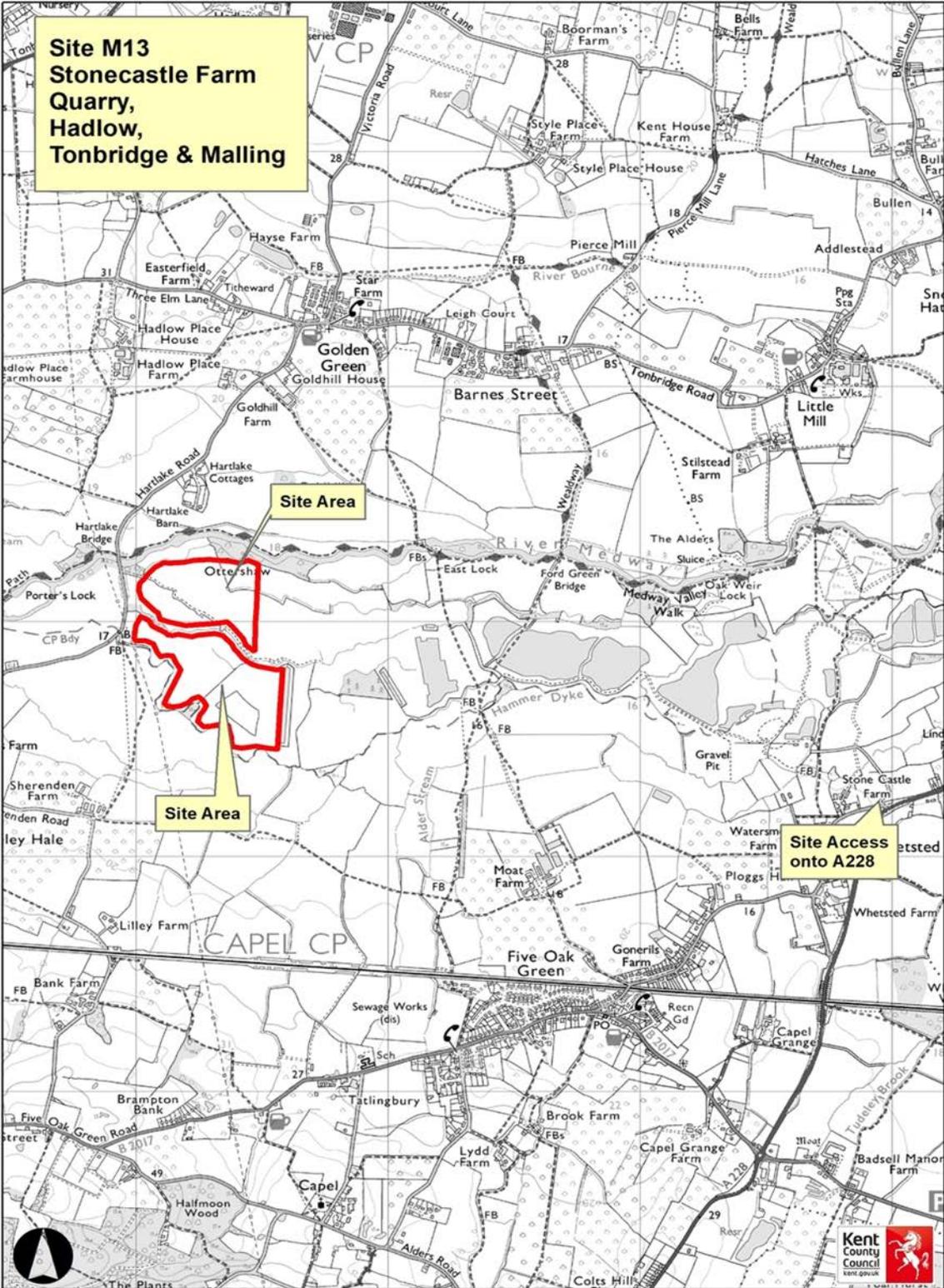
Annex A-C – Proposed Minerals Site Plans

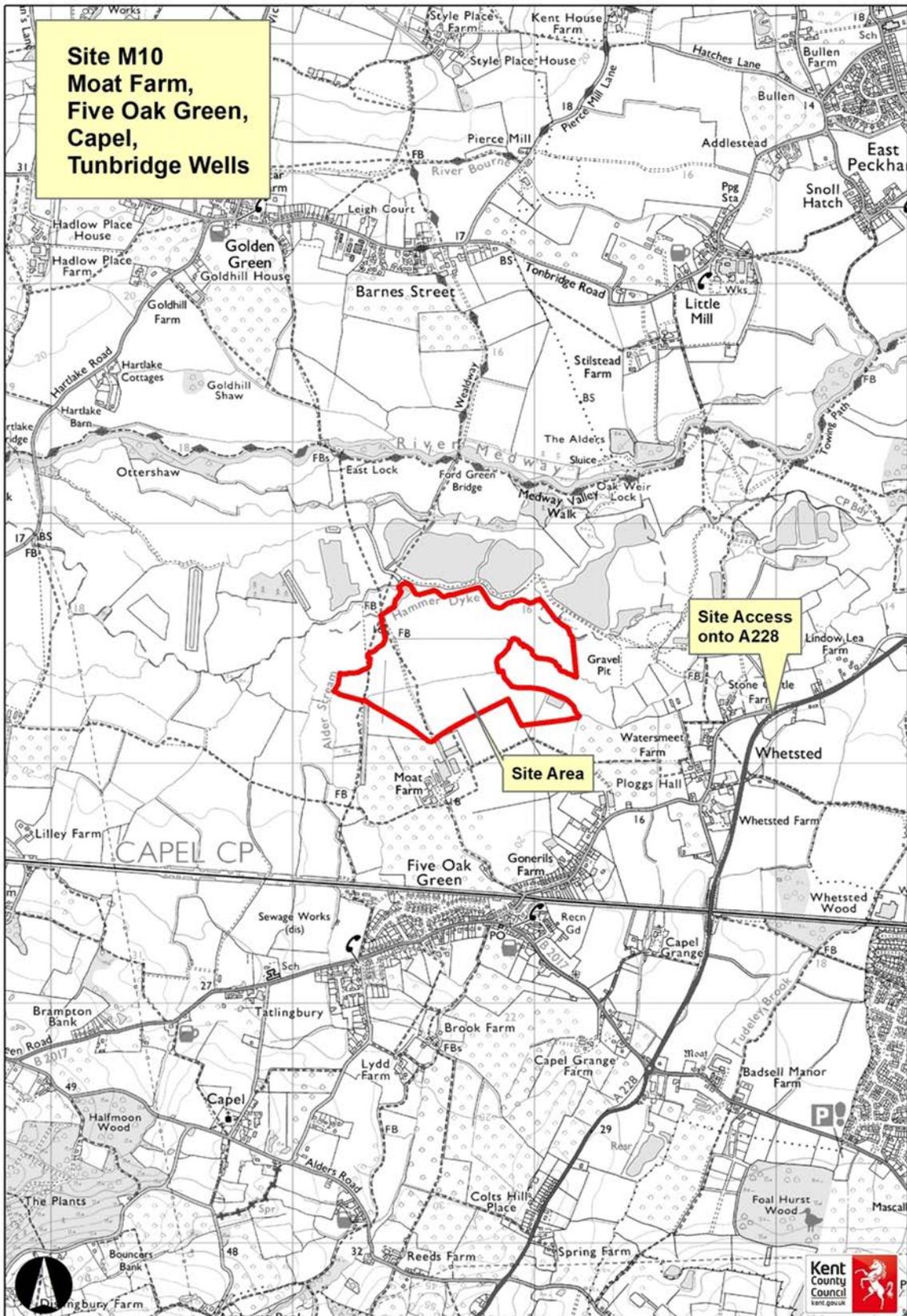
contact: Julian Ling  
Senior Planning Policy Officer  
Ian Bailey  
Planning Policy Manager

Eleanor Hoyle  
Director of Planning, Housing and Environmental Health

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## TONBRIDGE & MALLING BOROUGH COUNCIL

### PLANNING and TRANSPORTATION ADVISORY BOARD

05 March 2019

#### Report of the Director of Planning, Housing and Environmental Health

#### Part 1- Public

#### Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)

#### 1 TRANSPORTATION UPDATE

**Summary:** This report provides an overview of a Department for Transport (DfT) consultation, relating to the introduction of smart ticketing on the rail network in the wider South East, with specific reference to the South Eastern route and stations in the borough.

#### 1.1 South Eastern Rail Franchise – Update

1.1.1 On 21 December 2018, operator Southeastern informed that the DfT had confirmed a 12-week extension to the current South Eastern franchise direct award, from 1 April to 22 June 2019. Following a procurement process undertaken by the DfT, it is now expected that the new franchise will commence on 23 June. Govia the parent company of Southeastern is a shortlisted bidder to deliver the next franchise.

1.1.2 The DfT published the Invitation to Tender for the South Eastern Franchise in November 2017, this set out the scope and objectives of the franchise, and the broad terms for the introduction of long awaited smart ticketing, as anticipated at that time. The tender set out terms for the implementation of smart ticketing as part of the franchise, specifically the potential for Pay-As-You-Go (PAYG) travel. The outcome of the procurement process is awaited, and an update will be provided to PTAB on this, once further information is known.

#### 1.2 Smart Ticketing - Consultation

1.2.1 The DfT's 2017 Strategic Vision for Rail set out the ambition of securing smart ticketing across most of the network nationally by the end of 2018, this has not been achieved.

1.2.2 On 7 February 2019 the DfT published the 'Pay-as-you-go on rail consultation – Moving Britain Ahead'. This provides further detail as to how government may seek to make smart ticketing widely available across the South East, and seeks feedback on the options and ideas outlined. In summary this could include;

- Contactless and/or oyster style prepayment options, removing the need to purchase paper tickets, but requiring gate line and tap in/out point upgrades.
- Automated delay repay compensation, currently in use on C2C franchise, which is a fully gated network.
- Changes to fares through the implementation of fare zones, to allow passengers who travel less or at varying times, to benefit from only paying for the travel they use.

- 1.2.3 PAYG Travel Area - The consultation covers what the PAYG travel area in the South East could be and how it could work in practice. It is hoped that the travel area will be fully integrated with the TfL fare zones. Extending the PAYG scheme to local bus services is also being considered, but is not a major focus. Integrating operator payment systems is challenging, especially for split mode journeys.
- 1.2.4 The DfT considers that the benefits of PAYG are greatest at high demand stations, and in at those with similar fares. A suggested PAYG area has been published (see Annex A), which is a step towards full rollout across the network. This covers all stations within Tonbridge and Malling borough which is welcomed, but not the whole of Kent. This will have implications for those boarding at stations within the PAYG area, but are traveling outside of the area. If implemented, this will mean that paper tickets will remain the only option for these passengers.
- 1.2.5 The following are considered to be the limitations of the PAYG area for rail services that serve Tonbridge and Malling borough;
- Hastings Main Line – PAYG to Tunbridge Wells only.
  - Dover, Folkestone via Ashford International Main Line – PAYG to Tonbridge only.
  - Ashford International via Maidstone East Main Line – PAYG to Maidstone East only.
  - Medway Valley Line – PAYG between Strood to Maidstone West only.
  - High Speed 1 – PAYG to Ebbsfleet and Maidstone West only.
- 1.2.6 The DfT has concern about the use of PAYG payments for longer journeys, due to the higher cost of these. They perceive that passengers may not have sufficient confidence in paying retrospectively for higher priced services, given potential daily fare caps if they fail to tap in/out. There are additional infrastructure costs in broadening the PAYG area, as many rural stations do not have gate lines. Other concerns include potential payment system failures and fare evasion, particularly at unmanned stations.
- 1.2.7 Fare Changes and Funding - The consultation seeks suggestions from stakeholders regarding the simplification of fares, which could make rail travel more accessible for some passengers. Commuting patterns are now becoming

more flexible, with some passengers working part-time, compressed and staggered working hours. However in working flexibly, some passengers are not currently able to benefit from only paying for the travel they use, as the available options may be peak and season ticket fares which are inflexible.

- 1.2.8 PAYG could allow passengers to mix peak and off-peak fare stages, therefore only paying for what they use 'single-leg pricing'. Daily fare caps could be introduced to ensure that passengers do not pay any more than known daily and weekly maximums. PAYG is not however, compatible with advance fare bookings where these are cheaper than standard fares. If PAYG is introduced advance and operator specific fares could be withdrawn, to simplify the fare structure. Advance group save and season tickets are likely to be retained.
- 1.2.9 In reviewing fares the DfT are seeking to ensure that any revisions remain broadly cost neutral, so that the level of ticket revenue is maintained and passengers do not pay more overall as a consequence of the implementation of PAYG. To ensure this, there will need to be some rebalancing between daily and season ticket fares, to ensure that those who travel less frequently pay a proportionate cost. The cost of weekly, monthly and annual season tickets may therefore increase to cover any revenue lost through use of PAYG, which would understandably be concerning for frequent travellers.
- 1.2.10 Fares are currently set on a station by station basis. The introduction of fare zones, similar to the TfL zones, could make fares more consistent between different lines and provide better transparency in terms of pricing for fare stages. In order to move to zonal fares there would be need to be significant changes to the prices of fares, to standardise pricing within each zone.
- 1.2.11 In terms of technology, it is expected that the use of contactless bank card payments would be more cost effective to implement. These however, can't currently be used for concessionary travel, so a pre-payment 'oyster style' card system will also be required. This could be used to provide convenience to season ticket holders. To encourage use of PAYG travel, paper tickets may be priced at peak levels, however there is a need to not unduly penalise passengers.

### **1.3 Conclusion**

- 1.3.1 The consultation seeks respondent views on the proposed PAYG travel area, potential revision to fares and the use of ticketing technology. The long awaited rollout of smart ticketing across the wider South East is welcomed by TMBC, particularly so given the inclusion of all stations in the borough within the PAYG area, this will be supported in the council's response.
- 1.3.2 It is however recognised that the rollout of smart ticketing is challenging to achieve in practice. There are limitations to the currently proposed PAYG area, due to the lack of full network coverage across Kent, not all passengers will be able to benefit from smart ticketing. If the DfT implement current proposals for the PAYG area, they should seek to extend this to all stations in the future.

1.3.3 The consultation response will support the revision to fares, which should seek to standardise these on a zonal basis within the PAYG area, and ensure that passengers are not unduly disadvantaged by fare increases. All contactless payment methods, including pre-payment should be supported.

1.3.4 TMBC feedback will request that the DfT's response to the consultation provides more detail regarding revisions to fares, timescales for implementing the PAYG area and zones, and the future full rollout of the scheme.

## 1.4 Legal Implications

1.4.1 There are no direct legal implications arising from this report.

## 1.5 Financial and Value for Money Considerations

1.5.1 Whilst there are no direct financial or value for money considerations arising from this report, there may however be wider benefits for local residents and businesses as a result of the improvements identified in this report.

## 1.6 Risk Assessment

1.6.1 TMBC should respond to this consultation, to support the development of smart ticketing proposals and ensure that they benefit residents and businesses when implemented.

## 1.7 Equality Impact Assessment

1.7.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

## 1.8 Recommendation

1.8.1 That the content of this report be **NOTED**, and that the issues raised in response to the Pay-as-you-go on rail consultation, be agreed for **APPROVAL** by Cabinet and submitted to the DfT by 1 May.

The Director of Planning, Housing and Environmental Health confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and policy Framework.

Background papers:  
Annex A – Potential Rail PAYG Travel  
Area

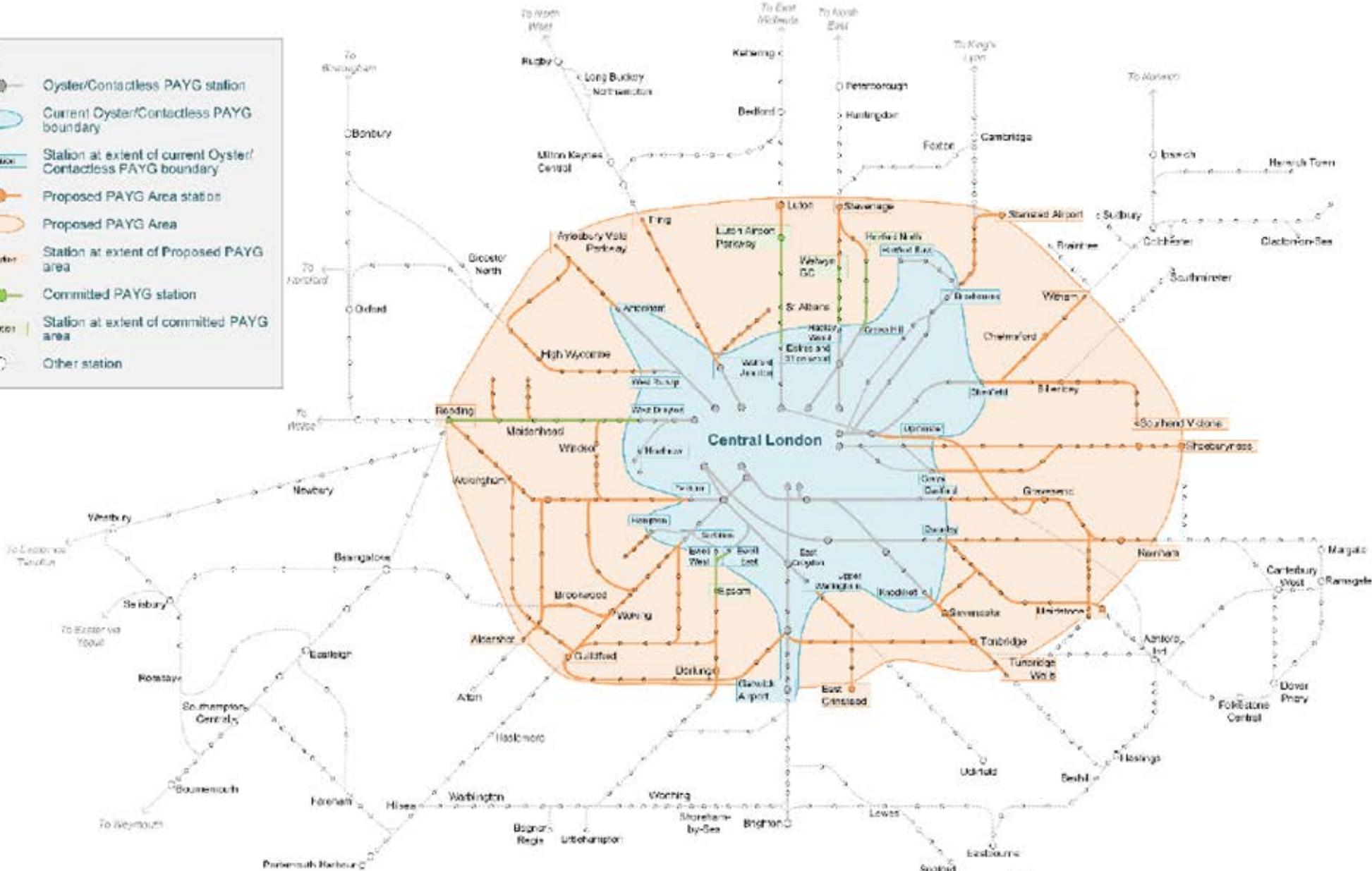
Contact: Bartholomew Wren  
Principal Planning Officer (Policy)

Eleanor Hoyle  
Director of Planning, Housing and Environmental Health

# Annex A - Potential Rail PAYG Travel Area

**Key**

- Oyster/Contactless PAYG station
- Current Oyster/Contactless PAYG boundary
- Station at extent of current Oyster/Contactless PAYG boundary
- Proposed PAYG Area station
- Proposed PAYG Area
- Station at extent of Proposed PAYG area
- Committed PAYG station
- Station at extent of committed PAYG area
- Other station



- Notes**
- Map is not to scale
  - Route layout within the London Travel Zone area is simplified and only main stations are shown

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## TONBRIDGE & MALLING BOROUGH COUNCIL

### Planning and Transportation Advisory Board

05 March 2019

#### Report of the Director of Planning, Housing and Environmental Health

#### Part 1- Public

#### Matters for Recommendation to Cabinet – Non-Key Decision (Decision may be taken by the Cabinet Member)

### 1 LOCAL PLAN UPDATE

**Summary: This report updates Members in respect of the Local Plan submission to the Secretary of State in January and preparing for the Examination.**

#### 1.1 Introduction

1.1.1 The Tonbridge & Malling Local Plan was successfully submitted to the Secretary of State on the 23<sup>rd</sup> January 2019, within the transitional arrangements set out in the revised National Planning Policy Framework published in July 2018.

#### 1.2 Update

1.2.1 The Planning Inspectorate have confirmed receipt of the submission and informed the Council of the appointment of two Planning Inspectors, Mr Simon Berkeley and Mr Luke Fleming, on 15<sup>th</sup> February 2019. The Inspectors will now consider all of the submitted documents before liaising with the Local Planning Authority in preparation for the Local Plan Examination expected to take place later this year, based on current practice.

1.2.2 As part of the usual preparation activity for the examination phase of plan making, officers are further reviewing the representations made to the Regulation 19 consultation and are preparing materials in support of the Local Plan submission proposals. It is also normal practice for Local Planning Authorities to continue to supplement Local Plan evidence and prepare topic papers that may assist the Inspectors in understanding how the Plan was prepared and how it responds to National Planning Policy. These will be published on the Local Plan Examination webpages of the Council's website as they become available. In turn the appointed Inspectors may take the opportunity to ask questions of the Local Planning Authority in advance of setting out the matters that will be considered at the examination. This will help to determine when the examination is likely to take place and for how long. This continuous dialogue between the Local Planning Authority and the Inspectors is considered best practice.

- 1.2.3 Depending on the guidance of the Inspectors, it may be necessary to undertake further tasks in advance of the examination to comply with the requirements and requests of the Inspectors although it is by no means certain that this will be necessary. This may include additional topic papers being requested, preparing further explanatory text or updating evidence requiring the Local Planning Authority's consideration and engagement with stakeholders. In order to facilitate this process and proceed to the examination at the earliest opportunity, delegated authority is sought for the Director of Planning, Housing and Environmental Health (DPHES) in consultation with the Leader and Portfolio Holder to carry out the relevant activity.
- 1.2.4 Work continues in respect of redacting the personal data from the responses made during the Regulation 19 public consultation exercise in order that these can be published as soon as practicably possible after submission, in accordance with the Local Plan Regulation. It is anticipated that this will be completed by the end of March.
- 1.2.5 All matters relating to the progress of the Local Plan will be regularly updated on the Local Plan Examination web pages.

### **1.3 Legal Implications**

- 1.3.1 The Inspector will consider whether the Local Plan has been prepared in accordance with the correct procedures as part of the legal compliance tests forming part of the examination process.

### **1.4 Financial and Value for Money Considerations**

- 1.4.1 Delays to the Local Plan process could have financial implications for the Council for example in defending planning appeals.

### **1.5 Risk Assessment**

- 1.5.1 Addressing the Inspector's questions in advance of the examination reduces the risk of delays and can save time at the examination. Once the Local Plan is adopted the 5 year housing land supply position will be restored providing a robust position for determining future planning applications.

### **1.6 Equality Impact Assessment**

- 1.6.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

### **1.7 Recommendations**

- 1.7.1 That the Board notes the content of this report and recommends to Cabinet that the Director of Planning, Housing and Environmental Health in consultation with the Leader, Deputy Leader, Cabinet Member for Strategic Planning and Transportation has delegated authority to liaise with the Local Plan Inspectors and

undertake any activity necessary to comply with the requirements and requests of the Inspector.

The Director of Planning, Housing and Environmental Health confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and policy Framework.

Background papers:

Nil

contact: Ian Bailey  
Planning Policy Manager

Eleanor Hoyle  
Director of Planning, Housing and Environmental Health

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# Agenda Item 8

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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# Agenda Item 9

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

**ANY REPORTS APPEARING AFTER THIS PAGE CONTAIN EXEMPT  
INFORMATION**

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# Agenda Item 10

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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