

DARTFORD BOROUGH COUNCIL

CABINET

MINUTES of the meeting of the Cabinet held on Thursday 26 May 2022 at 7.00 pm

PRESENT: Councillor J A Kite, MBE (Chairman)
Councillor C J Shippam (Vice-Chairman)
Councillor S H Brown
Councillor A R Lloyd
Councillor D J Mote
Councillor Mrs P A Thurlow
Councillor R J Wells

ALSO PRESENT: Councillor D Swinerd

OFFICERS: Sarah Martin, Chief Officer & Director of Corporate Services
Peter Dosad, Director of Housing & Public Protection
Caroline Hicks, Director of Growth & Community
Alan Twyman, Democratic Services Manager

1. APOLOGIES FOR ABSENCE

The Chairman welcomed members of the public and the press to the meeting. He briefly explained the process whereby non-executive Members of the Council were able to inform Cabinet decision making by their participation in the Cabinet Advisory Panel meeting which was held on the Monday preceding each Cabinet meeting.

He also welcomed Councillor Swinerd, the Lead Member for Parks, Open Spaces and Heritage, to the meeting.

There were no apologies for absence.

2. DECLARATIONS OF INTEREST

There were no declarations of interests.

3. CONFIRMATION OF THE MINUTES OF THE MEETING OF THE CABINET HELD ON 21 APRIL 2022

The Cabinet considered the minutes of its meeting held on 21 April 2022.

RESOLVED:

That the minutes of the meeting of the Cabinet held on 21 April 2022 be confirmed as an accurate record.

4. URGENT ITEMS

There were no urgent items.

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5. TO RECEIVE THE MINUTES OF THE CABINET ADVISORY PANEL HELD ON 23 MAY 2022

The Cabinet considered the minutes of the meeting of Cabinet Advisory Panel B which took place on Monday 23rd May 2022 and had regard to the Panel's views throughout the meeting.

RESOLVED:

That the minutes of Cabinet Advisory Panel B held on 23rd May 2022 be noted.

6. REFERENCES FROM COMMITTEES

There were no references from other committees.

7. COUNCILLOR ANN ALLEN - MEMORIAL SERVICE

The Chairman informed Members that he had attended the Memorial Service for the late Councillor Ann Allen the previous day at Canterbury Cathedral. It had been a very memorable and emotional day which had highlighted Councillor Allen's enormous contribution to the community. He paid tribute to Councillor Allen's family and thanked the organisers of the service.

Councillor Thurlow said that she had also attended the service which had been a lovely celebration of Councillor Allen's life and her work for the people of Dartford and Kent.

8. FLEETDOWN UNITED FOOTBALL CLUB - CONSULTATION ON OPEN SPACE DISPOSAL - NOTICE OF INTENTION TO LEASE LAND HELD FOR THE PURPOSES OF PUBLIC OPEN SPACE

The Cabinet considered a report which detailed the background to proposals for land at Heath Lane by the Trustees of Fleetdown United Football Club. The Trustees of the Fleetdown United Football Club had been awarded external funding from FA/Sport England for the upgrading of the Club's facilities and for maintaining/improving the football pitches. However the grant of funds was conditional on the Club having an unexpired lease term of at least 25 years. The current lease was due to expire in 2037 (15 years). The Club was also seeking to enclose the main pitches and to protect its facilities by erecting a fence between the field access gate (from Heath Lane) and the fences of properties in Roseberry Gardens backing onto the pitches as shown on the plan attached at Appendix A to the report. In accordance with statutory requirements to give public notice of the intention to dispose of open space land the Council issued public notice in a local newspaper and on the Council's web site and issued further public notices in April as a result of significant public interest in the proposed land disposal.

A total of 414 responses were received to the consultations, of which 323 opposed the proposal, 91 were in favour and 10 agreed with the lease but not

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the fence. The Council had also received a petition containing 20 signatures opposing the disposal of the land as outlined in Appendix A to the report. The main objections related to concern around the loss of public open space, lack of future access for dog walkers or availability for recreational use and concern about possible intensification of use by the football club. However the principal complaint was the Club's proposal to fence off the larger part of the playing field which it believed to be necessary to protect the playing surface and to improve security following the proposed substantial investment in the facilities, for which planning permission would need to be obtained by the Club. The Cabinet was invited to determine whether it wished to accede to the Club's proposals for the land by granting a further lease, or not, and if it decided to grant the lease whether it should grant landlord consent for the erection of a fence (subject to the Club obtaining the necessary planning consents).

The Chairman said that this matter had generated considerable feeling in the local area and that the Cabinet had a difficult decision to make. In such circumstances it was particularly important that this was driven by the evidence, was fair and was the best decision that could be made for the entire community. It was possible that this could upset some people and the Council would have to work to bring the community back together if this occurred. He commented on the fantastic work carried out by Fleetdown Football Club in terms of its youth and community work and that the Club was a valued partner. However the many people who were opposing the Club's application were equally valued and similarly well intentioned in their opposition to the loss of public access to the existing open space. He noted the outcome of the public consultation, which had rightly been extended given the strength of feeling in the locality, and noted that the overwhelming majority of respondents opposed the Club's plans, although there had also been significant support for the proposals. He felt that the best approach was to break the proposals down into its constituent parts.

The first issue was the Club's request for an extension to its current lease, which had 15 years to run, on the grounds that it required a minimum unexpired lease of 25 years in order to secure funding for ground improvements from the Football Association, which was not an uncommon requirement by funding bodies. He explained that he and a number of Cabinet colleagues had recently visited the open space and had spoken to users of the Club and recreational users during that visit but that there had been no prior discussion about the proposals.

The Cabinet Portfolio Holder for Finance said that the relationship between the Club and the local community had been good and that the Club carried out a lot of good work. He recognised that the Club needed investment to improve its facilities and supported the provision of an extended lease to secure this funding. The Cabinet Portfolio Holder for Arts & Culture also supported the extension of the lease.

The Chairman clarified that although this was deemed to be a disposal of public open land this was just a technical term that was applied when the

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Council granted a lease to such land for a period of 7 years or longer and that the Council remained the owner and landlord where such a lease was granted. Given the views expressed by the Cabinet he concluded that Members supported the granting of an extended lease to the Club.

The Chairman now turned to the proposal to fence off part of the open land, which appeared to be the most emotive issue for local users. The Club had explained that it wished to do this to protect the sports pitches, to deter anti-social behaviour and occasional mis-use by dog walkers who did not pick up excrement left by their dogs on the land and on the sport pitches. Enclosing the land would also allow the Club to lay-out equipment in advance of matches without the fear of damage.

The Lead Member for Parks, Open Space & Heritage said that he was attending the meeting in his role as the Lead Member for this matter and also as a Councillor for West Hill where many residents used this particular open space for recreational purposes. Whilst he was sympathetic to the Club's wish to take its development further he could not support the fencing-in of land that had been public open space for many years thereby denying public access. He pointed out that it was possible for the interests of sports clubs and recreational users to co-exist and pointed to the example of Hesketh Park where Dartford Cricket Club was based but which remained accessible to the public.

The Cabinet Portfolio Holder for Finance explained that this was legacy land where there was a legal requirement that the land could only be used for recreational purposes. He noted that the current lease with Fleetdown Football Club did restrict the right of public access to the space, but only when the Club was playing matches or training. He also recognised that there was occasional anti-social behaviour and activities that damaged the land, such as from portable barbeques, and dog fouling and was sympathetic to the Club in this respect. However he recognised that this was also an area enjoyed by local residents and could not support fencing off the main part of the open space.

The Cabinet Portfolio Holder for Housing cited other examples in his area where sports clubs co-existed with public use and was concerned that building a fence would prove divisive.

The Chairman said that that proposed fence would have a significant impact on the character and look of the open space; it was a big fence stretching a long way. During his site visit he had observed the users and noted that whilst some people respected the pitches others either walked across them or tended to drift subconsciously onto them. He felt that there were other ways in which it might be possible to guide people to respect the integrity of the pitches, possibly by soft landscaping rather than fencing, and if existing gating arrangements were not deterring use by motorcyclists, as alleged, then these would need to be revisited.

The Chairman read out an email which had been sent to Cabinet Members by Ian Gould, Fleetdown FC's Development Officer, proposing some mitigations

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to the original fencing proposal, but still wishing to fence the area to restrict public access.

The Chairman summarised the discussion from which it was clear that Members did not support the proposed fence. He stressed however that there were other ways that the Council might be able to help the Club and that this might be a real opportunity for the Council and the Club to establish a stronger, mutually beneficial, partnership relationship which could also involve recreational users. He felt that soft landscaping could provide suitable delineation of the land and that the Council could assist with measures to deter anti-social behaviour, by looking at gating and the possibility of patrols by the Council's enforcement contractors to address littering and dog fouling, and to provide secure storage closer to the pitches for the Club's equipment and potential enhancement of the Club's own CCTV system.

A representative of the football club explained the challenges that the Club faced in terms of damage to its equipment and maintaining the condition of the pitches and that, if the Club progressed to higher leagues, the FA's requirements for the condition of the ground would also increase.

An objector explained that recreational users and the Club had co-existed happily for many years, that there was wide support for the Club locally. People accepted that there were times when public access to some areas was restricted, when the Club was actually playing or repairing/re-seeding pitches. However there were many objections to restricting public access to such a great extent and the erection of a fence.

The Chairman said that it was a priority for the Council to explore ways that it could assist Fleetdown Football Club proactively to address some of its issues of concern and that this should include involvement of local people. He thanked the public for responding to the consultation and for attending the meeting.

RESOLVED:

1. That, having considered the representations made in relation to the Council's notice of intention to dispose (through the grant of a further lease) of approximately 3.1 hectares of land at Heath Lane to Fleetdown United Football Club, the Cabinet confirms (through the grant of a further lease) the disposal of land at Heath Lane edged red and partly cross-hatched, on the plan at Appendix B to the report;

2. That, having considered the representations, including the submission of a petition (as detailed in Appendix A to the report), made to the Council in relation to proposals by the Trustees of Fleetdown United Football Club to request landlord consent for the erection of a fence, the Cabinet does not grant landlord consent for the erection of the fence; and

3. That, authority be granted to the Director of Growth and Community, in consultation with the Head of Legal Services and the Cabinet Portfolio Holder for Finance, to approve the heads of terms of the lease to the Trustees of the Fleetdown United Football Club.

9. WESTGATE AND FORMER CO-OP SITE DEVELOPMENT

The Cabinet considered a report which provided an update on matters relating to the Westgate and former Co-Op site in Dartford Town Centre. The report detailed the earlier proposals to develop this key site and the significant changes to the commercial property market since the inception of the proposals which had impacted on the viability of the development. The Council had worked hard with its development partner, Muse Developments Limited, but in spite of best endeavours, this work revealed that even the most appropriate proposal on commercial terms would require considerable Council investment and involve a scale and density of development incompatible with the Council's determination for any scheme to reflect the town's traditional market-town character. The Council was determined to safeguard this important regeneration site from inappropriate development by acquiring full title and to terminate the development agreement predicated on commercial returns. This would enable the Council to bring forward more appropriate, lower impact proposals which could be delivered in the current market and make a lasting contribution to the regeneration of the town centre community. The collaboration agreement between the Council and Homes England ended on 15 April 2022 and it was now proposed that the Council should seek to acquire the freehold interest in the site from Homes England which, along with the existing adjacent landholding, would allow the Council to have better control to produce a regeneration plan to develop the site as a housing –led scheme of a quality and density appropriate to the town centre site.

The Chairman said that the original development proposal had become unviable as circumstances had changed in the development market, the NHS had withdrawn their involvement and the design had changed in terms of height and density to try and retain viability to the point where it was no longer what the Council had wanted for the town centre. He said that he believed that too few Councils were willing to halt proposals that were no longer acceptable to the public and that the desire to make progress sometimes saddled a community with an unpopular and unattractive development. A brave decision had therefore been taken to change tack and it was proposed to purchase the part of the site belonging to Homes England to bring the entire site under the Council's ownership and control. This would enable the Council to progress a more suitable scheme that was appropriate to the town centre, primarily for housing. He noted that the proposal had been discussed at the Cabinet Advisory Panel on 23rd May where questions had been asked about the initial payment to the developer. He clarified that this money had been used to carry out pre-development site investigations and surveys and that the intellectual property that had resulted belonged to the Council. These surveys would have had to be undertaken prior to any development of the site so were still valid and represented good value towards the final development. He also noted that CAP had asked questions about the purchase of the land from Homes England.

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The Director of Growth & Community said that the site had been independently valued and that both parties to the deal were happy with the valuation. Homes England was also supportive of the land being primarily used for housing and no numbers had been stipulated.

The Cabinet Member for Finance sought clarification on some matters contained in the Exempt Appendices to the report.

The Cabinet therefore resolved to go into closed session and the member of the press present, there being no members of the public present at this point, left the meeting.

Clarification of the points raised by the Cabinet Portfolio Holder for Finance was provided.

The member of the press was re-admitted to the meeting which went back into open session.

RESOLVED:

1. That the Council agrees to the mutual termination of the Development Agreement with Muse Development Limited;
 2. That the Council approves a payment to Muse (to a maximum value as indicated in exempt appendix A to the report) in respect of work undertaken by Muse under the Development Agreement from which it will no longer benefit. The rights to appropriate surveys, designs, schedules, environmental assessments and studies will revert to the Council and inform future proposals;
 3. That the Council approves the acquisition of the Freehold Property interest in the former Co-op site development from Homes England (to a maximum value as indicated in exempt appendix B to the report) to enable the Council to secure and safeguard the asset for future regeneration of the town centre;
 4. That Cabinet recommends to the General Assembly of Council an increase in the capital programme budget to support the acquisition at recommendation 3; and
 5. That the progression of the design and development of the project with associated costs be approved to a maximum value of £250,000 Ex VAT.
- 10. PROPOSAL FOR THE MAKING OF THE DARTFORD BOROUGH COUNCIL PUBLIC SPACES PROTECTION ORDER 2022 - NUISANCE VEHICLES - BOROUGH OF DARTFORD FOLLOWING PUBLIC CONSULTATION**

The Chairman changed the order of items in the agenda to take this item ahead of the remainder of the agenda.

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The Director of Housing & Public Protection introduced a report which detailed the outcome of the public consultation on the proposal to introduce a Public Spaces Protection Order (PSPO). This followed consideration of this matter by Cabinet on 24th February 2022 when authority was given to progress the making of a PSPO under Part 4, Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 to suppress the growing incidents of traffic offences and associated anti-social behaviour occurring principally due to nuisance vehicles across the Borough. The statutory public consultation process had been undertaken in accordance with the Council's Consultation and Engagement Strategy Toolkit. This included consultation with the Police and the Office of the Police and Crime Commissioner (OPCC), Kent Highways, and Parish Councils. Contact was also made with Bluewater, the management agents of Quadrant Court and Asda, all of whom have been significantly affected by the nuisance behaviour that the PSPO would seek to address. There were 108 responses from members of the local community, which were summarised in Appendix D to the report, of which 91% were in favour of making the PSPO, including the Police and the Police and Crime Commissioner and 78% supported the area to be covered by the order. It was therefore recommended that the PSPO should be made so that enforcement action could begin, including the issuing of £100 Fixed Penalty Notices. It was noted that the Police were highly supportive of the making of the order which would give them additional tools to address anti-social nuisance behaviours in addition to their existing powers. The Council's enforcement contractor, Kingdom, would also be enforcing the new Order.

The Cabinet Portfolio Holder for Housing welcomed the making of the order and congratulated the Community Safety Unit for taking this forward to a conclusion and hoped that this would also deter people coming to Dartford to engage in nuisance behaviours.

The Chairman stressed that the PSPO was only part of the solution, but was an important additional tool that could be used by the Council and the Police proactively. The member of the press asked whether the Council might also consider the use of so called noise-cameras and the Chairman said that, whilst there was no intention to do so currently, nothing was off the table and the Council would consider anything that might help to provide a solution to eradicate unacceptable behaviours.

RESOLVED:

1. That, on being satisfied that the anti-social behaviour activities detailed in Appendix C (previous report to Cabinet on 24 February 2022) to the report are still having, or likely to have, a detrimental effect on the quality of life of those in the locality, are persistent or continuing in nature, remain unreasonable and that on the basis that the consultation process has confirmed local support for the making of the Order, The Dartford Borough Council Public Spaces Protection Order 2022 – Nuisance Vehicles, Dartford Borough, be made, prohibiting anti-social behaviour associated with the gathering, displaying and racing of motor vehicles as well as driving on land other than a road on

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- terms set out in Appendix A to the report, to apply to the whole of the Council's administrative area, as identified on the Order Map, at Appendix B to the report;
2. That the Director of Housing and Public Protection, in consultation with the Head of Legal Services, be authorised to undertake the statutory notice process for the making of the Order in accordance with the Anti-social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations 2014;
 3. That, having made the Public Spaces Protection Order 2022 – Dartford Borough – Nuisance Vehicles, it not be enforced until the expiry of the statutory 6 week period allowing for the Order to be challenged at the High Court;
 4. That the fixed penalty notice fine be set at £100, with immediate effect.

11. COMMUNITY INFRASTRUCTURE LEVY - UNPARISHED AREAS OF THE BOROUGH

The Director of Growth and Community presented a report which detailed out proposals for the use of Community Infrastructure Levy (CIL) funding available to support the delivery of non-strategic infrastructure within the unparished areas of the Borough required to support growth arising from new development. Since the introduction of CIL funding a proportion of CIL receipts (the Neighbourhood Portion) had been transferred to the parish/town Council's to support the delivery of strategic infrastructure within their areas. The Council had also retained an equivalent portion of CIL funding for the unparished parts of the Borough in a separate funding pot which at the end of the 2021/22 amounted to £2.53M and was accumulating at an average of £316K per annum.

At its meeting on 9th December 2021 the Cabinet agreed that further work should be carried out to establish governance arrangement which could enable the release of retained CIL funding for projects in unparished parts of the borough. It was proposed that the key principles for the governance of the unparished CIL portion should reflect the governance arrangements adopted for the management and allocation of the CIL funding retained by the Council for strategic infrastructure improvements. An allowance would be made for the scale of projects and local priorities but in essence the projects would need to address the impacts of development in the unparished areas, support the Local Plan policies on spatial strategy/sustainable development whilst also contributing towards the Council's Corporate Plan objectives. It was appreciated that lack of experience and expertise in community and neighbourhood groups was likely to impact on the identification of suitable projects. For this reason it was proposed that an initial programme of projects to be delivered within the unparished areas of the Borough should be drawn up through discussions with Council service departments and key infrastructure service providers such as KCC Highways. It was also proposed to consult local Members. For the initial programme a cap £500,000 CIL funding would be employed and the projects would need to meet the eligibility

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criteria and demonstrate that that they could be delivered within the next 12-18 months.

The report also asked the Cabinet to determine whether it wished to support the concept of using crowdfunding to support community projects, possibly by introducing a pilot whereby the Council might use CIL match-funding for projects that reached a certain degree of donations or to set aside a fixed amount from the unparished CIL to support projects delivered by crowdfunding.

The Cabinet noted the points raised at the Cabinet Advisory Panel meeting on 23rd May.

The Chairman noted the proposed governance arrangements and that there would be a Members Sub-Group with a core membership drawn from the Cabinet and opposition to set principles. When this came to consider ward applications he expected local ward Members to agree which one of them would attend on behalf of the ward, if they were all from the same party, or one from each political group.

RESOLVED:

1. That the governance principles for the management and decision making of CIL funding retained by the Council for the unparished areas of the Borough, as set out in paragraphs 5.1 to 5.2 and Appendix B of the report, be agreed;
2. That the Head of Planning Services be authorised to develop an initial delivery programme of projects for the unparished areas of the Borough, as set out in paragraphs 5.5 to 5.7 of the report, and that a further report to Cabinet in late summer/early autumn of 2022 be submitted for approval, to consult the local community on this programme;
3. That further work be undertaken regarding the issue of community capacity, as set out in paragraphs 5.3 to 5.4 of the report, with a further report to Cabinet in 2023, on the results of this work and the implications for the Council; and
4. That further work be undertaken to explore the possible opportunities for crowdfunding to support the allocation of CIL funding, as set out in paragraphs 6.1 to 6.3 of the report, with a further report to Cabinet on this matter later in 2022.

12. DRAFT PRIVATE SECTOR RENEWAL STRATEGY 2022-2025

The Director of Housing & Public Protection presented a report which proposed the latest iteration of the draft Private Sector Housing Renewal Strategy for 2022-2025. This had been informed by a comprehensive study carried out by the Building Research Establishment (BRE) on the condition of housing stock in the Borough, with a particular emphasis on the private rented stock. The report highlighted the key findings of the study and the comparison with the condition of the Council's own housing stock.

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The key findings had been used to help to establish the following strategic priorities for private sector housing renewal in the Borough:

1. To enable residents to live independently in safe and healthy homes. The key areas associated with this priority are:

- Elimination of Category 1 HHSRS hazards and reduction of disrepair
- Promotion of safe independent living for those residents who wish it

2. To decrease the numbers of households who are in fuel poverty and/or suffering from 'excess cold' and improve the overall energy efficiency of the private sector stock in Dartford. The key areas associated with this priority are:

- Elimination of Category 1 HHSRS Excess Cold Hazard
- Wall and loft insulation measures
- Efficient heating methods
- Improved Energy Performance Certificate (EPC) and Standard Assessment Procedure (SAP) ratings

The Strategy detailed the Council's approach to housing renewal, including how it will take geographic area based, sector based and client based approaches. It also explained the various forms of housing renewal assistance available, including statutory and discretionary financial assistance, as well as non-financial assistance. The associated Action Plan set out various actions and target dates for achieving each of the strategic priorities. It was proposed that performance will be monitored through a private sector housing strategy steering/implementation group to be established to oversee and monitor implementation of the Strategy.

The draft Strategy had been widely consulted with key partners and members of the public had had the opportunity to provide their views. The results of the consultation were reported at Appendix B to the report.

RESOLVED:

That the draft Private Sector Housing Renewal Strategy 2022-2025, attached at Appendix A to the report, be approved.

13. DRAFT HOUSING RECHARGE POLICY

The Director of Housing & Public Protection introduced a report which detailed the draft Housing Recharge Policy 2022. This set out the items that existing and former tenants, leaseholders, and those who have received other financial assistance might be charged for and the process of recharging in relation to repairs and maintenance that are the responsibility of the resident. The draft policy sought to be transparent and to proactively promote a responsible attitude from Tenants and Leaseholders towards their property,

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and the environment in which they live, by the provision of information and support and reactively by ensuring that costs, where justified, are pursued from those who are negligent or deliberately cause damage. The report gave examples of works and repairs that would be considered to be rechargeable.

RESOLVED:

That the draft Housing Recharge Policy, at Appendix A to the report, be approved.

14. LAND EAST OF LOWFIELD STREET DEVELOPMENT - REDEVELOPMENT BY BELLWAY (THAMES GATEWAY) PHASES 2 & 3 - BOUNDARY MATTERS

The Director of Growth & Community introduced a report which advised the Cabinet that certain anomalies had been identified relating to interpretation of the legal boundary between land owned by Bellway (Thames Gateway) east of Lowfield Street, which was subject to development, and land owned by the Council and Kidd Legacy land. Plans produced by Bellway prior to Phases 2 and 3 of the development appeared to Officers to encroach slightly into the Kidd Legacy Land and areas of Central Park owned by the Council. A specialist boundary survey had been carried out to provide an expert opinion on the legal boundary but had been inconclusive due to the absence of some of the original boundary markers. The legal boundary line suggested by the surveyor had been rejected by Bellway as it had implications for the proposed development. Given the ambiguities that existed, and in an effort to avoid a costly and counter-productive boundary dispute, the Council and the developer had sought to agree a definitive legal boundary acceptable to all of the parties concerned. It was confirmed that no changes were being made to the legal extent of Central Park. This also had implications for the boundary with the Kidd legacy land which had already been reported to the Deed, Trust and Obligations Committee on 12 April 2022 and that Committee, acting as Charitable Trustee, had assented to the proposed legal boundary relating to Kidd Legacy land. The Cabinet was asked, specifically, to agree the proposed legal boundary between the Council's land and land owned by Bellway, marked by the line A-C-D on the plan attached at Appendix A to the report. Once agreed by the Cabinet the developer would arrange for an application to be made to HM Land Registry to record the agreed legal boundary.

Given the proximity of Bellway's development to the Central Park boundary (marked A – C - D on the plan at Appendix A to the report), it was inevitable that some access would be required from the Central Park side during the construction phase. Bellway had requested a temporary licence for access to, and use of, a narrow strip of land in Central Park adjoining the construction site boundary for the erection of scaffolding and working space for the duration of the works. Bellway would be required to pay the Council's legal and surveyor costs for the licence and to reinstate the land once the licence ends.

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The Chairman clarified that there had been no disposal of land merely clarification of the legal boundary between adjacent landowners.

RESOLVED:

1. That, as advised by the surveyor, Cabinet notes:
 - (a) the position of the boundary line edged green (adjoining Central Park), marked A – C - D, on the plan at Appendix A to the report;
 - (b) that agreement has been reached with Bellway Homes Limited on the legal boundary line (edged green);
2. That Cabinet consents to the submission of an application to the HM Land Registry, to record the agreement reached with Bellway Homes Limited on the clarified legal boundary line;
3. That following the submission of an application to HM Land Registry, the Director of Growth & Community, in consultation with the Head of Legal Services, be authorised to deal with any requisitions raised by HM Land Registry; and
4. That, for the reasons detailed in para. 3.12 of the report, the Director of Growth & Community, in consultation with the Head of Legal Services, be authorised to grant a temporary licence to Bellway Homes Limited, for access to Dartford Central Park enable the erection of scaffolding and working space for the duration of its development works.

15. AIR QUALITY ACTION PLAN - CONSULTATION DRAFT

The Director of Housing & Public Protection introduced a report which detailed recent air quality findings within the borough and sought approval for the Air Quality Action Plan – Consultation Draft to be taken forward to public consultation. The report considered air quality monitoring across the borough and compliance with National Air Quality Objectives, which were most commonly associated with traffic emissions, which were the dominant source of air pollution across the borough. Whilst improvement in levels of air pollution had been seen across the borough in the last ten years, the administration had identified pollution levels and air quality as priorities for the Council and an essential component of its intention to create cleaner and greener places to live and work. When a local authority has declared an Air Quality Management Area, of which Dartford has three, it has a statutory duty to produce an Air Quality Action Plan (AQAP) detailing measures aimed to improve air quality. A new AQAP was now needed to set out new measures to seek further improvements and the Council had engaged a specialist contractor, Bureau Veritas, to assist with the development of a new AQAP. An officer working group, including Council and Kent County Council officers, was working with Bureau Veritas to develop a schedule of measures to reduce emissions and these had been taken forward in the Consultation Draft of the AQAP.

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The developed actions within the AQAP had been categorised under five broad topics:

- Priority 1: Public Health and Wellbeing;
- Priority 2: Transport;
- Priority 3: Air Quality Partnerships;
- Priority 4: Planning and Infrastructure;
- Priority 5: Policy

The Council was required to consult on the AQAP with relevant stakeholders and the public, including a submission to DEFRA. Following this consultation exercise, any findings would be used to inform and finalise the AQAP which would be brought back to Cabinet for formal adoption.

The Cabinet noted the points raised during the Cabinet Advisory Panel's meeting on 23rd May 2022.

RESOLVED:

1. That the air quality findings, both historic and recent monitoring data available for NO₂ and PM₁₀, as detailed in Appendix B to the report and associated work, as detailed in the body of the report, be noted;
2. That the contents of the Air Quality Action Plan – Consultation Draft, at Appendix A to the report, be approved and that the Plan be taken forward for consultation; and
3. That following the consultation exercise, the draft Air Quality Action Plan be presented to Cabinet, for adoption.

16. MINUTES OF THE POLICY OVERVIEW COMMITTEE HELD ON 15 MARCH 2022

The Cabinet considered the minutes of the meeting of the Policy Overview Committee held on 15 March 2022.

RESOLVED:

That the minutes of the meeting of the Policy Overview Committee held on 15 March 2022 be noted.

17. WESTGATE AND FORMER CO-OP SITE DEVELOPMENT - EXEMPT APPENDICES A AND B (EXEMPT CATEGORY SO 46(1)(B) ANNEX 1 PARAGRAPH 3

The Cabinet considered exempt Appendices A and B to the main report (minute 8 above).

RESOLVED:

That the content of exempt Appendices A and B to the main report be noted.

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The meeting closed at 8.55 pm

Councillor J A Kite, MBE
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