

TONBRIDGE & MALLING BOROUGH COUNCIL

CABINET

05 September 2007

Report of the Director of Planning Transport and Leisure

Part 1- Public

Matters for Recommendation to Council

1 TONBRIDGE AND MALLING LOCAL DEVELOPMENT FRAMEWORK: CORE STRATEGY – INSPECTOR’S REPORT AND ADOPTION

Summary

The Inspector’s Report into the Public Examination of the Core Strategy has been received. The Inspector has found the Core Strategy to be sound subject to certain changes. She recommends that the Council should revert to the Local Plan policy for safeguarded land and that the Special Landscape Area should be deleted. The Inspector’s recommendations are binding. The Core Strategy must therefore now be adopted taking on board her recommendations. Overall, this is excellent news for the Borough and is supportive of the planning strategy that the Council has carefully prepared and reviewed.

1.1 Introduction

1.1.1 The Core Strategy was submitted to the Secretary of State on 1 September 2006 together with the Development Land Allocations Development Plan Document (DPD) and the Tonbridge Central Area Action Plan. A Public Examination of the Core Strategy took place between 9 and 22 May 2007. The Inspector’s Report has now been received. Her recommendations are binding. The Core Strategy must therefore be recommended to Council for adoption incorporating the changes she proposes. The Core Strategy will inform the Public Examinations into Tonbridge Central Area Action Plan which is programmed for 23 October and the Development Land Allocations DPD which is programmed for 20 November. The pre-Examination Meeting for the Public Examination into these two DPDs took place on 4 September 2007.

1.1.2 Copies of the Report may be viewed at the Council Offices and other deposit points throughout the Borough. It is on the Council’s Website and is available for sale. Copies are available for any Member who would wish to have one.

1.2 The Inspector's Recommendations

- 1.2.1 The Inspector has found the Core Strategy to be sound subject to a number of changes being made. The majority of these changes are of a minor technical nature and were put forward by your officers during the course of the Public Examination in response to representations with a view to clarifying matters (see **Annexes A and B**). Other than these, there are only three significant changes recommended by the Inspector (see **Annex C**).
- 1) That the extent of the Safeguarded Land at Haysden should not be reduced in size as proposed by the Council, but should remain as in the Local Plan;
 - 2) That the land at Carpenters Lane, Hadlow and at Howlands Allotments, Wrotham should not be returned to the Green Belt as proposed by the Council but should remain as Safeguarded Land in line with the Local Plan;
 - 3) That the Special landscape Area should be deleted.
- 1.2.2 Your officers did their best to argue the particular local circumstances in favour of these proposals but the Inspector was not convinced. In the case of the Green Belt issue she was not satisfied that there was an exceptional justification for any changes to be made to the extent of the Green Belt other than at Isles Quarry, Borough Green (see below). In the case of the Special Landscape Area it was her view that this was a local countryside designation that was contrary to the advice in Planning Policy Statement 7 (PPS7). She suggests that the Council might consider including a criteria-based Policy in a future DPD linked to landscape character area assessments. This is exactly what we intend to do in the Managing Development and the Environment DPD.

1.3 Other matters

- 1.3.1 I set out below a brief summary of the Inspector's views on the remainder of the Document which she found to be sound. There is significant support for the Council's policies in this report and an overall endorsement of the Strategy. She was sympathetic to the problems the Council has experienced in preparing document during a time when Government advice was evolving rapidly and there was extremely little guidance on good practice. Whilst she considered that the strategy was too detailed in some respects and that some policies "added nothing locally distinctive to national policy" she considered "these technical shortcomings to be outweighed by the positive aspects of the Core Strategy, most notably the healthy housing land supply situation".
- 1.3.2 She has proposed no changes to rectify the "shortcomings" but has suggested that when the Document is next reviewed "it should be more sharply focussed on a clear articulation of the spatial strategy for the Borough" and, by implication, the more detailed policies should be included in another DPD. As a result, she has made it clear that the document should not be regarded as an exemplar by other

authorities. This seems to be the case with all the early DPDs that have been produced and reflects the lack of clarity in guidance as to what they should look like. In fact, guidance on a model Core Strategy was only published in December 2006, three months after we had submitted. In this context, it is worth pointing out that some other authorities nearby are experiencing very difficult circumstances in advancing their plans. Happily our Core Strategy has found favour overall and is the first in Kent to reach this stage.

- 1.3.3 **Tests of Soundness** The Inspector considers that other than in respect of the three matters referred to above the plan passes all of the tests of soundness. In terms of the need for flexibility she has suggested that we should include a commitment to reviewing the document should it be found to be out of general conformity with the Regional Spatial Strategy once that is finally adopted. This is a reasonable requirement, but I sincerely hope that there will not be a need for this to happen. The policies have been worded to allow for the most likely changes.
- 1.3.4 The Inspector found our evidence base to be “comprehensive, robust and credible”. We put a lot of effort into making sure this was the case. The two other authorities in Kent that have reached the stage of Public Examination with their Core Strategies have both fallen foul of their Inspectors as a result of inadequate evidence and their Examinations have been adjourned as a result.
- 1.3.5 The Inspector is satisfied that we considered all reasonable options in preparing the strategy having regard to the constraints that exist. She was clearly impressed with our track-record of planning and delivering housing at or above the strategic requirements, which gave her confidence that the Core Strategy was deliverable.
- 1.3.6 **Housing Land Supply** She concluded that the Core Strategy sets out a clear and achievable strategy for meeting and probably exceeding the housing requirements in the South East Plan with sufficient flexibility to enable unexpected situations to be addressed. Bearing in mind the constraints imposed by the Green Belt and AONB across much of the Borough she regarded this “as no mean achievement”. The most fundamental consequence of this conclusion is that she has found no justification for a general review of Green Belt boundaries or a need to identify greenfield locations to meet general housing requirements. This conclusion is fundamental to the consideration of objections to the Development Land Allocations DPD to be heard in the autumn.
- 1.3.7 **Bushey Wood** There were no objections to the principle of retaining Bushey Wood as an Area of Opportunity. The objections related to matters of detail, most of which the Inspector considered to be irrelevant to the Core Strategy. She did not agree with Aylesford Parish Council’s suggestion that the Core Strategy should overtly prevent any development at Bushey Wood before 2021 or that the Core Strategy should afford clear priority to the release of either Bushey Wood or the safeguarded land at Tonbridge. This is a change to the Local Plan which currently gives priority to Bushey Wood.

- 1.3.8 The Inspector considered the extension of the Area of Opportunity over the Island Site to be appropriate as it will enable the future of the area to be determined on a comprehensive basis. She did not accept Aylesford Parish Council's argument that the Area of Opportunity should be pulled back away from Eccles. Neither did she accept Trenport's case for the early release of land at Eccles to bring forward community benefits. She also rejected the Highways Agency's objections to the proposals on the basis that there was little point in doing a detailed transport assessment now for something that may not happen for at least 14 years. Out of the discussion at the Hearing, it was agreed that the most appropriate way forward would be for the preparation of an Area Action Plan for Bushey Wood nearer a time when its release might become justified.
- 1.3.9 **Settlement Strategy** The Inspector considered that the Council's settlement strategy, which had evolved during the process of preparing the plan, was now the most appropriate in all the circumstances. Importantly, she found no justification for the release of any greenfield sites adjacent to the villages. It was her view that Policy CP20 that deals with "Exception Sites" is the most appropriate way to meet a recognised local need for affordable housing in the rural areas. The only exception to this was Isles Quarry (see below).
- 1.3.10 **Affordable Housing** The Inspector found the Council's Housing and Market Needs Assessment to be "robust and credible and conforming to national guidance and best practice". It provided compelling evidence particularly of the need for affordable housing in the rural areas. She was satisfied that it was right that such matters should be addressed in the Core Strategy rather than in another DPD as suggested by some. She has endorsed the 40% requirement and the 15 dwelling urban and 5 dwelling rural thresholds. She has also endorsed the 70:30 split between social rented and other forms of affordable housing. The only matters that the policy does not address are the type and size of housing but she was satisfied that this is a matter than can be dealt with outside the Core Strategy. It is my intention that this matter is addressed in a revised version of the Affordable Housing Guidance Note.
- 1.3.11 **Isles Quarry West** The Inspector first addressed the principle of whether affordable housing should be dispersed rather than concentrated at Borough Green. She concluded that there is a pressing need for affordable housing in the Malling rural area and that development at Borough Green is likely to lead to a more sustainable pattern of development than could be achieved elsewhere.
- 1.3.12 She then considered the merits of the Council's proposal at Isles Quarry West. First, she did not consider the loss of employment land would have an unacceptable impact on the employment strategy. On the issue of traffic, it was her view that the development of the site for housing would significantly reduce the number of HGVs visiting the site and would provide an opportunity for a comprehensive approach to the management of the highway network in the vicinity to minimise the impact of traffic generated by the housing. She did not believe the site was poorly related to the centre of the village as some had

suggested. She considered the Council's description of the site as derelict and despoiled was accurate. She found the site to be well screened and that its development for housing would have a neutral impact on the AONB. Whilst the provision of affordable housing on the site is an important factor the Inspector considered that it was the range of benefits that would be achieved arising from the particular circumstances of the site which together constitute the exceptional circumstances necessary to justify its exclusion from the Green Belt.

- 1.3.13 In coming to her conclusions about Isles Quarry she had before her alternative sites at Borough Green Sand Pits north of the village, Gracelands Park at Ightham and the site opposite the former Brickmakers Arms PH at Platt. She found that none of them would offer the package of benefits that would result from the development at Isles Quarry. It was her view that there was no site or sites so clearly preferable in overall terms to Isles Quarry to convince her that the Core Strategy was unsound.
- 1.3.14 **Strategic Gap** Perhaps surprisingly in the face of an objection from GOSE, the Inspector found the Core Strategy to be sound in respect of the Strategic Gap Policy. She was satisfied that it was not a local landscape designation to which PPS7 applies. She did not think that it was duplicated by Policy CP6 which deals generally with maintaining the separation of settlements. However, as a note of caution, the Strategic Gap policy is under-pinned by a Policy in the Regional Spatial Strategy to which GOSE has also objected. If that Policy is deleted from the RSS then the weight to be afforded to the policy in the Core Strategy will be diminished.
- 1.3.15 **Employment** The Inspector considered the Employment Land Review commissioned by the Council to be a "comprehensive study prepared in accordance with current best practice" which provided a robust evidence base to support the approach in the Core Strategy. A number of suggested changes to the approach and to the wording of the policy were suggested, but it was her view that other than some changes which your officers proposed to clarify matters, all of the other suggestions would have unacceptably weakened the strategy which seeks to direct development to the most sustainable locations.
- 1.3.16 The Inspector considered in some detail arguments that land west of Woodgate Way should not be safeguarded for employment purposes. She concluded that she had seen no evidence that a comprehensive approach to development, necessary to overcome the access constraints to the site, had been actively pursued. She recognised that the only way this might happen was by the intervention of the Borough Council using, if necessary, its CPO powers. Although a finely balanced judgement, in the absence of more convincing evidence, she felt that the balance was in favour of the Core Strategy. This is an important conclusion because the matter will no doubt be considered again at the Public Examination of the Development Land Allocations DPD and there is also an undetermined planning application for residential development on this site.

- 1.3.17 **Retail** In the face of strong objections from Tescos, the Inspector agreed with the Borough Council that both Lunsford Park and Quarry Wood had the character of out-of-town facilities rather than a District Centre and she considered this judgement to be well founded in the light of advice now in PPS6. This view was reinforced by her visits to the District Centres which the Council had identified which she agreed far more closely meet the criteria in PPS6.
- 1.3.18 She agreed that Quarry Wood might be an appropriate location for further retail development if there are no sequentially preferable sites in Maidstone, but in the current circumstances, where Maidstone has not yet done that work, she accepted that the criteria-based approach adopted by the Borough Council is the most appropriate solution to the issue.
- 1.3.19 **Other Matters** A number of other matters were raised by respondents including suggested additional policies but the Inspector's overall conclusion is that, with the changes she has proposed, the Core Strategy is sound without the inclusion of these other matters, some of which may be more appropriate for inclusion in another DPD.

1.4 Legal Implications

- 1.4.1 In accordance with Section 23 of the Planning and Compulsory Purchase Act the Council must now resolve to adopt the Core Strategy incorporating the binding recommendations of the Inspector. In accordance with the Regulations, as soon as reasonably practicable after the Core Strategy is adopted, the Council must:
- Publish the Inspector's Report, make it available for inspection, include it on the Website and notify those who have asked to be notified (this has already been done. In fact, everyone who has commented on the plan was notified).
 - The Core Strategy as adopted must also be placed on deposit and on the Website together with an Adoption Statement which formally announces the adoption of the plan and indicates that any person aggrieved by that decision may make an application to the High Court to challenge the plan's adoption on a point of law.
 - The adopted plan must be accompanied by a Final Sustainability Report which must assess the implications of any changes made by the Inspector.

1.5 Financial and Value for Money Considerations

- 1.5.1 The cost of the Public Examination, including the Inspector's fees, falls upon the Borough Council. Although I do not yet know what these costs will be they are budgeted for in the LDF Estimates with a contribution from the Planning Delivery Grant.

1.6 Risk Assessment

1.6.1 None.

1.7 Recommendations

1.7.1 That Council resolve to adopt the Tonbridge and Malling Core Strategy as recommended to be changed by the Inspector as set out under Annexes A, B and C to this report.

Background papers:

contact: Brian Gates

All of the Council's Position and Rebuttal Statements, all of the representations and all of the background documents included in the Examination Library – all of which can be viewed on the Council's Website.

Steve Humphrey
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